Killings- 1933

WILLIE PETERSON VERDICT AFFIRMED BY SUPREME COURT---ATTORNEYS SEEK NEW HEARING

Birmingham Reporter 1-5-33

Birmingham Ala.

CASE MAY GO TO THE SUPREME COURT OF THE U. S.; MONEY IS NEEDED FOR THE DEFENSE; COMMITTEE IS AT WORK

Probably the most shocking and disappointing decision by the Alabama Supreme Court was that rendered on Thursday, June 29th, when the Court affirmed the verdict of the lower court sentencing Willie Peterson to death in the electric chair.

Willie Peterson is an Alabama Negro who has spent most of his life in Pike County near Troy, in Montgomery County, near Montgomery, and in Jefferson County in the City of Birmingham. He is a man of unusual Christian piety and served for a number of years as deacon in the Baptist Church.

It was about August 4, 1931, when a tragedy occurred on Shades Mountain in which Misses Augusta and Nell Williams, sisters, and Miss Jennie Wood, a friend, were held captive for about three hours and attacked, it is charged, all three being shot, Misses Augusta Williams and Jennie Wood later dying and Miss Nell Williams, survivor of the tragedy states that the offense was committed by a Negro man. She is alleged to have given varied descriptions of their assailant, most of which do not show that Willie Peterson is the person who committed the crime.

Late in September, 1931, while motoring along Avenue G, near 14th Street, in Birmingham, Miss Nel Williams, in company with her mother and another party, pointed out Willie Peterson as the man who had held them for nearly three hours on the mountain the previous August 4th. Officers were called and Peterson arrested. He was carried to Kilby Prison and put through a rigid examination by solicitors from Jefferson County. He was returned to Birmingham in a few days for further examination, during which time he was shot three times by Dent Williams, brother of the slain girl, Miss Augusta Williams. At this time Peterson had no protection or representation except that of the sheriff and solicitors. From his arrest until the present time the defendant, Willie Peterson, has maintained his innocence of the crime.

Records show that at the time of the offense Willie Peterson was a very sick man and was under the care of a white physician, and, according to those who are familiar with his condition, it was impossible for him to have committed the crime charged against him, that it is nothing more or less than a case of mistaken identity

While behind the bars of the Jefferson County jail and in the hands of the law, being vigorously questioned by Assistant Solicitor Long, Willie Peterson told the sheriff and the solicitor in the presence of the family of the slain Miss Williams, that he was not guilty of the crime. Solicitor Long is quoted as saying in continuing his questioning after Peterson was shot: "You are going to die; you may live but a few minutes, what have you got to say?" "I am innocent," Peterson replied, "I know nothing about the crime; I have never been on the mountain where you say the crime was committed; I was at my home at the time it is said to have been committed."

"Whom would you like to see?" Mr. Long asked. "I'd be glad to see my preacher," Petersan answered. "What do you want to say to him, that Negroes and whites should live together as social equals?" Mr. Long asked. "No, sir," Peterson answered, "there's a place for us all in this world, and I want him to preach to the world that you white folks are killing an innocent man."

Move for Re-hearing

On Friday, June 30th, the Honorable Walter S. Smith, who has been handling the case on the appeal, together with the Honorable John W. Altman, was in conference with members of the Supreme Court in Montgomery and gave notice that a rehearing would be asked. Mr. Smith frankly told Justice Gardner that Peterson was as innocent of that crime as the Justice himself was, and that he would make a motion for a rehearing. It is understood that this motion will be presented at a very early date and the order of execution set for August 25th has been withdrawn pending the motion for rehearing.

It is understood by those who are interested in the case, and many people are, both white and black, that every effort will be made from now on, as has been made in the appeal to the Supreme Court, to give Willie Peterson a fair and impartial hearing and that his case will be handled in a manner to secure justice and fair play.

It will be recalled that on the first hearing the jury could not agree and a mistrial was entered; and that on the second trial the charge of rape was brought into the case; this was not mentioned in the first hearing, and a verdict of guilty was reached by the jury. It is shown by the transcript of testimony that the case was not efficiently handled by defense counsel. The State Supreme Court called attention to this in its decree affirming the verdict of the jury sustaining the action of the lower court.

Money Needed

The fact that the defendant, Willie Peterson is suffering for necessary money should not in any wise be overlooked The transcripts and pleadings in this case cost $733.00; these transcripts and the preparation of pleadings and the argument have not been paid, and a portion of the attorneys' fee is still unpaid. The attorneys are at work. The motion for a rehearing or further appeal in the case means added expense. It certainly won't be paid by people who believe Peterson guilty, but must be secured from people who believe he is innocent.

Funds should be sent to Dr. Charles A. J. McPherson, 1630 Fourth Avenue, North, Birmingham, Alabama, who is Secretary-Treasurer of the Special Committee raising funds for this cause.

Willie Peterson is entitled to a fair and impartial trial, this many hundreds of people are saying, he has not had and it was impossible for him to have had considering the circumstances under which he was tried.

The Supreme Court is a court of review; its findings are limited to the records of the lower court. If the Supreme Court finds that it has not given sufficient weight or consideration to material evidence and certain important points of law, it will reverse itself and grant a new hearing. If the Supreme Court is convinced that it has weighed the case sufficiently, of course the decision will stand and the only other course is either an appeal to the U. S. Supreme Court or the State Pardon Board or Governor.

EASTERN ATTORNEYS INTERVIEW PETERSON

Birmingham Reporter 1-5-33

During this week Willie Peterson has bbeen visited by distinguished attorneys from the East who spent four days in Birmingham studying the case and familiarizing themselves with the circumstances connected therewith They were Charles H. Houston, C. B. Lovett, Frank Adams, James G. Tyson all of Washington, D. C. These gentlemen represent the National Association for the Advancement of Colored People. Mr. R. B. Eleazer, representing the Inter-racial Commission with headquarters in Atlanta, Georgia, was also present and participated in the conference.

From what the representative of The Reporter could learn, the attorneys were pleased with the way and manner in which the Honorable John W. Altman and the Honorable Walter S. Smith are handling the case.

It will be remembered that Attorney John W. Altman and Attorney Walter S. Smith did not appear in the trial of Willie Peterson at either of the hearings, but did make the motion for a new trial, and appealed the case to the Supreme Court of Alabama. The Supreme Court affirmed the decision of the lower court, and set a date for the execution of Peterson. This order has been superseded by a motion for a rehearing before the Supreme Court, and it is expressed by leading counsel in this case, the Honorable John W. Altman, that it is his opinion that a re-hearing will be granted, and that the Supreme Court will reverse the decision of the lower court. In the event, however, that the Supreme Court of Alabama does not grant a rehearing, the case will go to the Supreme Court of the United States, and it is believed the Supreme Court of the United States will reverse and remand the case to Alabama.

Under such ruling Willie Peterson will then be in position to be tried as though his case had never been presented. It is also argued by influential men in the legal profession as well as those in the common walks of life that if a fair and impartial trial is had Willie Peterson will be freed.

Many times in these columns appeals have been made for funds. Appeal is now made for funds for the proper and necessary defense of this man whom so many thousands of people believe to be innocent but is held in custody on mistaken identity.

Those who feel to aid in this matter, financial and otherwise, should forward their remittance to Dr. Chas. A. J. McPherson, Masonic Temple, 4th Avenue and 17th Street, North Birmingham.

Something substantial must be done before the 20th of August. Peterson must depend upon friends of humanity. He must depend upon those friends who believe in justice, who believe in fair play, who can forget color, and who will not be moved by race when an injustice is being visited a human being. Peterson is a fine example through which and by which the validity of the laws of our country may be tested.

Tallapoosa Man Dies; Shot By Negro He Slew

Birmingham News 9-9-33

Hassell A. Tankersley, of Tallapoosa County, died at Montgomery hospital at 5:40 a.m. yesterday as the result of gunshot wounds received several days ago in a gun battle with a negro near Alexander City. Mr. Tankersley was said to have killed the negro before he fell mortally wounded with a load of buckshot in his chest. The body will be taken at 9 a.m. today from Tiffin's to Alexander City for burial.

Surviving are five brothers, Joseph, John, David, Albert and Ruben Tankersley, all of Alexander City; two sisters, Mrs. Wade Templeton, of Birmingham; Mrs. T. N. Cooper, of Montgomery; Mrs. G. J. Sims, of Uriah, and Mrs. E. D. Pittman, of Greenville.

Doubt Thompson Will Be Tried for Tuskegee Killing

By Special Correspondence

Insanity Claim May Keep Him Off Witness Stand. Others Say He Knows too Much.

TUSKEGEE, Ala. — Few people here believe that J. D. Thompson, confessed slayer of Vice-Principal Russell T. Atkins, will ever be brought to trial when the grand jury is called in the fall.

It is broadly hinted that all of the insanity talk being built around Thompson is merely a ruse through which he will be quietly relegated to the psychopathic ward of the Tuskegee hospital, where he will be held until all is forgotten.

In this manner Thompson will escape the witness stand, where he has threatened to tell all he knows about the Booth and Howard murders, naming the higher-ups who are involved.

Thompson, it is pointed out, knows that Tom Harris, a frequenter of his cafe, who was accused of the murder of Mrs. Booth, gave the authorities a similar run-around when he threatened to spill the beans. He knew, too, that other prominent persons in institute circles had been quizzed and released after damaging evidence had been produced.

When Thompson shot Professor Atkins and calmly called the police and confessed, it was believed that he was certain then that he would not be prosecuted.

On the other hand, it is contended that if the authorities can successfully prove to the satisfaction of the public that Thompson committed all three murders and that he is insane, this will clear up the murder situation and put at rest the belief that ulterior motives were at the bottom of the other two tragedies.

Thompson, it is believed, may be induced to confess the murders upon promise of immunity, and a sojourn in the asylum.

Col. Joseph Ward, commandant at the U. S. Veterans' Hospital, does not know what to make of the Tuskegee murders which have attracted nation-wide attention for the past three years.

"I am as much at sea as anybody," he confessed, when interviewed at the hospital. "I am not in a position to express an opinion because I have been so occupied trying to run the hospital properly that I have no time to give to community speculation."

"I admired Professor Atkins greatly, and feel that his death will be a great loss to the institution, and the race, as he was valuable, not only as an educator, but as a citizen of intrinsic value, who enjoyed the esteem of all who came in contact with him."

Prefers Economics

Colonel Ward, a tall man with a thick suit of white hair removed his horn-rimmed glasses, and curled both legs under him in his big swivel chair, as he spoke. He preferred to discuss economics to murders.

He admitted that he was surprised to know that Miss Willie Belle Stallings, one of the nurses in his own institution, was a sister of J. D. Thompson, the slayer of Professor Atkins. "I have sixty nurses here and don't bother about their family connections."

Colonel Ward has a big job. There are 400 in the personnel of the Veterans' Hospital. Besides the 60 nurses there are 25 physicians and two dentists. There are 800 veterans at the institution all of whom are at least 75 per cent disabled.

The plant consists of 60 buildings valued at five million dollars, including a modern home for old soldiers.

The Veterans' Hospital is situated on grounds originally belonging to Tuskegee Institute, but is about one mile out from the institute and approximately two miles from the town of Tuskegee proper. Colonel Ward emphatically denied that there was any friction between the institute and the hospital.

"The relationships between the two institutions are most cordial," said. "I think Major Moton is the greatest man in the race today. He has problems weighing on his mind that people never conceive of. His position calls for the utmost diplomacy. I admire him greatly and think he feels the same way about me."

Unmasking the I. L. D.

WE CAN imagine the fury of the International Labor Defense propagandists yesterday when Willie Peterson, Negro, under sentence of death in Birmingham for the death of a white girl, urged that the I. L. D. keep hands off of his defense. The so-called "defense" which the I. L. D. was giving this Negro was merely the cloak for the radicals' attempt to use him as a pawn in their international propaganda, as they are using the Scottsboro Negroes. When the I. L. D. threatened to make "the saving of Willie Peterson's life an issue," Willie's people hurriedly moved to save him from the fate which that would mean—death at the hands of the law.

"Making the saving of Willie Peterson's life an issue" would have meant that the I. L. D. throughout the world would have painted the State of Alabama as a blood-thirsty, savage community, determined to kill the "ignorant and bewildered Negro."

The Alabama courts would have been lampooned and blackened as medieval courts of inquisition. Alabama jurists and lawyers would have been pictured as moronic backwoodsmen, thirsting for gore. The South would have been limned as a land where black skin is as certain to mark one for death as does the black plague.

All of the time, of course, this would have tended to bring the Negro nearer to electrocution.

For the I. L. D. to "make an issue of saving Willie Peterson's life" would, in our opinion, do more than anything else could possibly do to bring him to the electric chair, and, if he should have happened to escape that fate, the I. L .D. would have been disappointed.

The I. L. D. is determined to get blood in the South. Ignorant Willie Peterson doesn't want to be this blood-sacrifice, and hence he asks the I. L. D. to withdraw from his "defense."

"I do not approve of that organization (the I. L. D.) and what it stands for," says his statement. "John W. Altman and Walter S. Smith are representing me in my appeal, and they alone have authority to appear for me in the courts."

August 26 was recently set for the date of electrocution of Willie Peterson, by the State Supreme Court, which confirmed the death sentence. The two newly appointed attorneys for the defendant have asked a rehearing. It is possible that Willie Peterson has gotten rid of the I. L. D. in time—we don't know about that. We are not familiar with his case, although the crime of which he was convicted was a particularly shocking and revolting one.

The wisdom of the lawyers of Willie Peterson ought not to be lost on the relatives of the Scottsboro defendants. Those Negroes seem unable to shake off the I. L. D.

We have called on the I. L. D. to withdraw from the Scottsboro defense, following their stupid and savage attack on the people and courts of Alabama. If the I. L. D. propagandists and lawyers have not alienated all support the defendants had among their own people, we suggest to such support as is left that action similar to Willie Peterson's be taken.

The Scottsboro defendants themselves ought to demand withdrawal of the I. L. D. from their defense.

MORE MUD SPLATTERING?

The hate-concocters of the International Labor Defense League have found another Alabama criminal case which they hope will place the ILD in headlines again.

As in all cases which the ILD exploits, that organization is "taking steps to make the saving of Willie Peterson a national issue."

Willie Peterson was sentenced to death for the murder of two Birmingham white girls.

Peterson was tried in Birmingham, the chief city of Alabama. The Negro had adequate counsel.

The Supreme Court of Alabama recently affirmed the death sentence and set the execution for August 25.

The International Labor Defense League splattered mud over the Great Seal of Alabama with its misrepresentations during the infamous Scottsboro case.

The trouble-making league will attempt to splatter more mud over the map of the State in the Willie Peterson case.

There is not much Alabamians can do about it except remain cool.

Two Negroes Held In Slaying Of Merchant

GREENSBORO, ALA., Sept. 10.—(AP)—Arrested as suspects in the slaying last night of Ray Johnson, Greensboro merchant, two negroes were held in jail tonight under protection of National Guardsmen as county authorities continued their probe of Johnson's death.

The National Guardsmen, eight in number, were called out after crowds gathered around the jail here following arrest of the negroes.

Johnson was shot as he pursued a negro down an alley near his store after the negro had run from the store with a package for which he had not been paid.

Sheriff H. S. Chapman said bloodhounds were to be brought here from Kilby Prison in an attempt to trace Johnson's slayer.

$200 Put On Head Of Negro Slayer

Following receipt of a telegram yesterday from Solicitor Joseph H. James, of Greensboro, requesting the offering of the maximum reward for the slayer of Ray Johnson, Greensboro merchant, who was shot and killed Saturday night, Gov. Miller issued an order authorizing payment by the State of a reward of $200 for the arrest and conviction of the killer.

Last Saturday evening, an unidentified negro man entered Mr. Johnson's store and asked for some articles which were furnished by the storekeeper, who wrapped them into a package. Snatching the package from the counter, the man suddenly made off without offering payment. Mr. Johnson gave chase and as he pursued the fleeing negro down an alleyway, was fired upon and mortally wounded.

Late that night, officers arrested two negroes as suspects and lodged them in the county jail. A crowd formed about the building following the arrests, and a scuad of national guardsmen was placed on duty in and about the jail to augment the sheriff's forces.

Killings - 1933

Alabama

Brutal Killing Of 1932 Points To Doomed Negro

Advertiser 9-25-33

Revolver Used In Killing Couple Here Is Traced To Convicted Attacker

Montgomery, Ala.

Another Involved

Ballistic Expert Declares Bullets Prove Gun One Used In Double Slaying

Solution of the brutal murder of Erie Sexton, of Lapine, and Mrs. Pauline Furlong on a byroad near the Coast Line Railroad in the southern part of the city in January, 1932, became a probability yesterday with recovery of a pistol which officers are positive is the automatic used in the slaying.

The revolver, it is reported, was recovered by Motorcycle Officers Coker and Goins, who recently solved the Court Street robbery and assault case, for which two negroes, George Meadows and Frank Jackson, have been condemned to die in the chair. It was found through evidence interconnected with the Court Street case in the possession of a negro woman.

The woman, it was learned, purchased the revolver from Meadows about a month ago and paid him $2.50 for it. Her explanation as to how she obtained the revolver was proved to the satisfaction of officers, who then proceeded to question Meadows.

Denies He Owned Gun

Meadows has steadfastly denied any knowledge of the revolver, declaring he never owned it or had it in his possession.

His convicted confederate in the Court Street case, Jackson, however, declared the revolver is one similar to one Meadows owned sometime ago.

Officers Coker and Goins took the revolver to Coroner John Diffly, who brought out the two bullets and shells found where Sexton and Mrs. Furlong were killed.

The bullets and shells fitted the revolver perfectly, Coroner Diffly said, and an examination by a ballistic expert showed conclusively, he said, the bullets were fired from the pistol. The rifle marks on newly fired bullets and those on the old bullets are identical, he said. Moreover, he declared, the hammer marks on the shells are the same.

Another Man Involved

Officials withheld an expression of opinion as to whether Meadows did the killing, pending a further investigation, but indicated they believed that some other person was involved and that Meadows later came into possession of the gun.

The slaying of Sexton and Mrs. Furlong was one of the most brutal crimes in Montgomery's history. Apparently they were surprised by a highwayman who came upon them near a trestle of the Genetta Ditch. As officers reconstructed the crime Sexton fought when commanded to hold up his hands and the highwayman pumped several bullets into his body. Mrs. Furlong ran. The highwayman gave chase and about a quarter of a mile from where Sexton was slain she was shot down, clubbed in the head, and left for dead. She was still alive when found eight or 10 hours later, but died without regaining consciousness.

About a month later Mrs. Furlong's purse was found by a city employe in a water meter pit on a street just south of West Jeff Davis Avenue.

Negro Fireman Found Slain Near Fort Deposit

Advertiser 10-17-33

FORT DEPOSIT, ALA., Oct. 16.—(Special)—The bullet-pierced body of a negro man found Sunday four miles northeast of here on the Calhoun Road one mile from the Montgomery Highway, was identified late yesterday as that of Claude Woodruff, fireman for the Louisville and Nashville Railroad whose home was at Georgiana. Sheriff Meadows said that the negro had been accompanied by two other negroes to this section and that he expected to make an arrest in the case tonight.

Montgomery, Ala.

Woodruff's body, pierced by two bullets, was found early Sunday morning by two white men. The negro was slumped over the steering wheel of his automobile. Following identification from a watch and keys found in the negro's pockets, his family was notified and the body sent to Georgiana.

Negro Is Held In Slaying Despite Death Statement

Advertiser 10-17-33

Although in a dying statement Tom Williams, negro, told police that he had been shot accidentally, Will Jones, also a negro, was arrested yesterday on a charge of murder in connection with the former's death shortly before noon at a local hospital. The warrant for Jones's arrest was signed by the mother of Williams.

Montgomery, Ala.

Police said that Williams was shot several weeks ago at the City Lot, and that Jones, who was sitting on a wagon nearby at the time, had been accused of the crime. Before Williams's death, however, he injured man asserted that Jones was innocent, and that he desired his release. It was not learned upon what grounds Williams's mother based her charge.

NO DATE SET FOR CAMPUS DEATH TRIAL

10-28-33

Court Has Case of Cafe Proprietor Under Advisement

Special to Journal and Guide

TUSKEGEE, Ala.—The district grand jury, in session here on Wednesday, October 18, returned a true bill charging first degree murder against J. D. Thompson, former cafe proprietor in the Tuskegee Institute community, for the killing of Russell C. Atkins on the morning of July 1.

Mr. Atkins was director of Agriculture at the Institute and acting principal at the time of his death.

The District Court convened Monday, October 23, at which time Thompson was scheduled to have been arraigned before Judge W. B. Bowling and the date of his trial set.

On Wednesday afternoon the court still had Thompson's case under advisement, with no date then set for his trial.

Defense Not Known

No indication has been given as to the defense which J. D. Thompson will offer to the charge he murdered Russell C. Atkins. He has a white attorney, a resident of the town of Tuskegee who was retained by his sister, an empolyee of the government hospital here.

Opinion as to Thompson's sanity is divided. He has been examined by two alienists, one of whom was Dr. Branch of the Veteran's Hospital. The other was a noted white psychiatrist of New York. The report of neither alienists has been made public. Rumor has it that both found him sane, but that both believe him to have the type of mentality capable of committing all three of the murders which have so shocked this community.

Officials at the school have aided the authorities in conducting their investigation. The officers of the school feel the situation keenly. They have assailed the attitude on the part of southern law enforcement, which takes lightly the killing of one colored man by another.

Protest Braswell Case

Protests have arisen in the Braswell case. Braswell, a mental incompetent stabbed a girl in the back on the school grounds a few years ago. He was adjudged insane and sent to the asylum.

In a short while the state authorities turned him loose. He returnedt to he nearby Greenwood community and three times since has been apprehended on the school grounds, each time with a gun.

Students and teachers were inclined to deal with him summarily the last time. Braswell was arrested during the recent murder investigation but proved an alibi.

Lax Law Enforcement

Officials of the school feel that if a Negro had killed a white man in Alabama of the standing and character of Mr. Atkins, not to mention the possibility of his having killed two other innocent women, that his life would not have been worthy of anything, not even with a jury.

They are not vindictive toward the man, but feel that the world would be better off if he were put somewhere beyond all possibility of again committing such a crime against an innocent law-abiding community, and they are using every effort to see that the law is enforced to the limit this time.

JURY INDICTS THOMPSON IN ATKINS MURDER

Ala.-Amer.

10-28-33

J. D. Thompson to be Arraigned in Tuskegee Slaying.

Birmingham,

ALIENISTS FIND HIM SANE, REPORT

Southern Law Enforcement Assailed.

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Murdered Negro Is Found In River

A negro walking along the Alabama River banks yesterday afternoon near the Tyler Goodwyn Bridge, just north of the city, found the body of an unknown negro floating near the shore. He with the assistance of several other persons, dragged the body to the banks and reported the case to police.

Detectives, who were sent to the scene said the negro had apparently been cut to death and his body thrown into the water. The supposed crime, it was believed, took place about two weeks ago.

The body was the second to be found in the river within the last six weeks. On Sept. 23, the bullet-riddle body of Ira Thomas Carnley, Reconstruction Finance Corporation worker, was discovered several miles above the Tyler Goodwyn Bridge by relatives.

Although it was not believed last night that any connection existed between the cases, Sheriff Sam Stearns said he would investigate the remotest possibilities of the crimes being linked.

Seven Murders Here Last Month

Had the guns of the World War still rumbled over the earth last month, Montgomery citizens would have anxiously watched the casualty list day by day. And, had the average number of killed and wounded been about the same as it was in 1917-1918 for Montgomery and immediate vicinity, they would have found something less than three names a month under the death column, and about six or seven under the wounded column.

Fortunately, the World War has ended. The casualty list, however, instead of being lower, has increased particularly during the month of October. Those on the list of killed and wounded were the victims, not of war, but hatred, misunderstandings, jealousies, and affrays.

Police revealed that, during October, an apparently new high homicide record had been set for this city and vicinity. It was also reported that the number of wounded had leaped upward by bounds.

There were seven murders and from 57 to 63 persons wounded here from midnight, Sept. 30, to midnight, Oct. 31.

In addition, one person was shot to death accidentally.

In other words, Montgomery's peacetime casualty list for a single month has doubled or tripled the average casualty list for any one month during the World War.

Willie Peterson's Execution Put Off

On petition of counsel for the condemned, the Alabama Supreme Court yesterday granted a stay until Jan. 12 of execution previously set for Dec. 8.

of the death sentence imposed on Willie Peterson, Jefferson County negro, in order to give the negro's attorneys time to prepare, perfect and present to the United States Supreme Court, application for writ of certiorari, seeking reviewal of the case by that tribunal.

Peterson was convicted and sentenced to death for the murder of Miss Augusta Williams, and was also charged with the murder of Miss Jennie Wood, and shooting and dangerously wounding Miss Nell Williams, sister of Miss Augusta Williams. The tragedy occurred in the mountains near Birmingham in August, 1931, while the three young women, all socially prominent, were out for an automobile ride.

Following his conviction, Peterson appealed to the Alabama Supreme Court which affirmed the judgment. Application for rehearing was overruled, some time ago by the high court, which then set Dec. 8 as the date for Peterson's execution.

Peterson Wins Stay of Execution

MONTGOMERY, Ala.—(ANP)—Willie Peterson, convicted of the murder of Augusta Williams, Birmingham society girl, and sentenced to die, was granted a stay of execution until January 12, 1934, by Chief Justice John C. Anderson of the state Supreme court, Friday.

The stay is to enable Peterson's lawyers to perfect an appeal to the United States Supreme court. Peterson had been condemned to die December 8.

DEATH PENALTY STAYED BY ALA. SUPREME COURT

Last Friday, November 10, the Supreme Court of Alabama issued an order staying the death penalty of Willie Peterson to January 12, 1934, pending preparations of his appeal to the Supreme Court of the United States.

The story of the arrest and conviction of Willie Peterson has been many times told through the columns of this newspaper and the public not only in Birmingham, but throughout the nation have received information as to the death of two white girls and the arrest and conviction of Willie Peterson.

It is believed by many that Willie Peterson is not the person who committed the crime on Shades Mountain sometime in August 1931 and for that reason effort is being made to give him a fair and impartial trial. It will be remembered when Peterson was brought before the court in his first trial, after nearly a week's trial the jury deliberated 44 hours, and could not reach a verdict, and a mistrial was entered. It will be recalled also that while being examined by State solicitors and in the custody of the sheriff Peterson was shot three times in the jail-house and continued to protest his innocence.

Money Is Needed

Now that the Peterson case is in the hands of the best possible attorneys, and there is no doubt to his defense being thoroughly prepared it must be borne in mind that this defense is in need of money for the preparation of the proper papers and for the expense of the attorneys. There should be no delay on the part of the Negro population who believe in the innocense of Peterson in coming forward with funds that he may have necessary and proper defense.

Peterson is one of those unfortunate Negroes in very poor circumstances, and without a dime that he can call his own, but needs lots of money, and friends to defend him against what is believed a charge growing out of mis-identification. It is in the minds of many that if Willie Peterson pays for this crime by death or otherwise the guilty party is yet to be punished.

Money in defense of Willie Peterson should be forthcoming. Whatever is given should be given in defense of humanity, and sent to Dr. Chas. A. J McPherson, Masonic Temple, 4th Avenue and Seventeenth St., Birmingham Ala.

Court Gets Application on Peterson

NEW YORK.—Application for rehearing in the Alabama Supreme Court in the case of Willie Peterson, whose conviction was recently affirmed by the Alabama court, has been made, according to announcement here today by the National Association for the Advancement of Colored People. The application for rehearing cities that points raised in the supplemental brief filed by Peterson's attorneys were apparently not considered by the Alabama Supreme court, and the contention is made that the court erred in not considering these points.

It was also made public here today that a friend has volunteered to contribute fifty cents for each dollar raised for the Peterson defense. Colored citizens of Birmingham, through a Citizens Committee and the Birmingham Branch of the N.A.A.C.P., have raised and expended to date in excess of $2,500, of which $650 was contribted by the National Office of the N.A.A.C. Association attorneys are now making careful examination of all the courts' decisions and conferences are being held in planning a vigorous fight for Willie Peterson.

Detectives Slay Negro In Battle

Drawn Into Dorsey Street Feud When Participant Appeals For Protection

Two city detectives yesterday barely escaped with their lives in a pistol battle in which Buck Dixon, Dorsey Street negro, was killed, and Alfred Bruce, also a negro, was probably fatally injured.

The shooting occurred at Dorsey Street and West Jeff Davis Avenue.

Bruce, upon being told early in the day that Dixon was attempting to find and kill him and his wife, appealed to police for protection. Bruce was told to get into a police car with Detectives A. A. Enzor and B. F. Boyd, and the three went in search for Dixon.

At Dorsey Street and Jeff Davis Avenue Bruce pointed to a negro and identified him as being Dixon.

The detectives commanded Dixon to halt, but instead the negro turned and fired at the group. One shot struck Bruce in the abdomen. A second shot barely missed Detective Boyd. Both officers reached for their pistols and returned the fire. A moment later Dixon fell, mortally wounded.

Bruce was taken to a hospital, where attendants late last night said his condition was critical.

Dixon was said to have had a police record. At one time he was said to have slashed a negro woman's throat, and later, to have taken a pistol from a policeman.

Coroner Diffly said the shooting was "justifiable homicide."

James Brought Here From Baldwin Jail

Mack James, negro, who is under sentence of death for an attack upon a Banks county white woman, was brought to Fulton tower early Friday night for safekeeping, after threats of mob violence in Milledgeville brought out the state militia here Thursday.

Sheriff J. S. Whelchel of Milledgeville, said that reports of a mob of Banks county residents marching on the jail were greatly exaggerated but that he thought the negro would be safer in Atlanta. The sheriff and his daughter, Mrs. Cleo Carlan, wife of Whelchel's chief deputy, and two others accompanied the condemned man here in an automobile, which Mrs. Carlan drove. The state soldiers were not officially called but assembled informally Thursday when Sheriff Whelchel deemed extraordinary precautions necessary to protect James at the Milledgeville jail.

NEGRO HELD AS KILLER

DOTHAN, ALA., Dec. 19—(Special)—Alex Carroll, negro, is being held in the Houston County Jail today without bond on a charge of murder. It is alleged to have shot Horace Chambers, also negro, to death Sunday afternoon during a quarrel. Carroll claimed self-defense and showed several stab wounds in his shoulder which he said were inflicted with an ice pick by Chambers. Chambers was wounded six times as Carroll emptied his revolver.

Killings-1933

Alabama

Chattanooga, Tenn
NEWS

JUL 11 1933

Unmasking the I. L. D.

WE CAN imagine the fury of the International Labor Defense propagandists yesterday when Willie Peterson, Negro, under sentence of death in Birmingham for the death of a white girl, urged that the I. L. D. keep hands off of his defense. The so-called "defense" which the I. L. D. was giving this Negro was merely the cloak for the radicals' attempt to use him as a pawn in their international propaganda, as they are using the Scottsboro Negroes. When the I. L. D. threatened to make "the saving of Willie Peterson's life an issue," Willie's people hurriedly moved to save him from the fate which that would mean—death at the hands of the law.

"Making the saving of Willie Peterson's life an issue" would have meant that the I. L. D. throughout the world would have painted the State of Alabama as a blood-thirsty, savage community, determined to kill the "ignorant and bewildered Negro."

The Alabama courts would have been lampooned and blackened as medieval courts of inquisition. Alabama jurists and lawyers would have been pictured as moronic backwoodsmen, thirsting for gore. The South would have been limned as a land where black skin is as certain to mark one for death as does the black plague.

All of the time, of course, this would have tended to bring the Negro nearer to electrocution.

For the I. L. D. to "make an issue of saving Willie Peterson's life" would, in our opinion, do more than anything else could possibly do to bring him to the electric chair, and, if he should have happened to escape that fate, the I. L .D. would have been disappointed.

The I. L. D. is determined to get blood in the South. Ignorant Willie Peterson doesn't want to be this blood-sacrifice, and hence he asks the I. L. D. to withdraw from his "defense."

"I do not approve of that organization (the I. L. D.) and what it stands for," says his statement. "John W. Altman and Walter S. Smith are representing me in my appeal, and they alone have authority to appear for me in the courts."

August 26 was recently set for the date of electrocution of Willie Peterson, by the State Supreme Court, which confirmed the death sentence. The two newly appointed attorneys for the defendant have asked a rehearing. It is possible that Willie Peterson has gotten rid of the I. L. D. in time—we don't know about that. We are not familiar with his case, although the crime of which he was convicted was a particularly shocking and revolting one.

The wisdom of the lawyers of Willie Peterson ought not to be lost on the relatives of the Scottsboro defendants. Those Negroes seem unable to shake off the I. L. D.

We have called on the I. L. D. to withdraw from the Scottsboro defense, following their stupid and savage attack on the people and courts of Alabama. If the I. L. D. propagandists and lawyers have not alienated all support the defendants had among their own people, we suggest to such support as is left that action similar to Willie Peterson's be taken.

The Scottsboro defendants themselves ought to demand withdrawal of the I. L. D. from their defense.

REHEARING ASKED IN PETERSON CASE

Birmingham Reporter
7-22-33

Motion for a rehearing of the Willie Peterson case was filed last week with the Alabama Supreme Court by defense attorneys. The plea for a rehearing will be considered when the Supreme Court reconvenes during October. This means defense counsel automatically sets aside the date of execution of sentence for Peterson which had been set for August 25th by the Supreme Court in its decision affirming the verdict of the lower court, three weeks ago.

Committee Meets

Last Friday a large number of persons interested in Willie Peterson's defense, members of the special committee, held a meeting in the Pythian Temple and worked out plans for gathering funds for expenses of the case. Pledges were made by all of the committeemen present.

Executive Committee To Meet

It is announced that the Executive Committee of the Willie Peterson Defense will hold a meeting at noon Saturday, July 22, on the 6th floor of the Pythian Temple and members of the Executive Committee are asked to be present.

Funds Needed

Funds to meet expenses of the case are needed. Dr. Charles A. J. McPherson is secretary-treasurer of the special committee and is the proper person to receive whatever contributions are made for the defense funds. He may be reached at the Colored Masonic Temple, 1630 4th Avenue, North.

ALABAMA NEGRO REQUESTS I. L. D. NOT TO INTEREFERE

Birmingham Age-Herald
7-11-33

BIRMINGHAM, Ala., July 10.—(AP) Willie Peterson, negro, under death sentence for the slaying of a society girl here two years ago, late today issued a statement asking the International Labor Defense to "have nothing to do with my case."

The statement came after the announcement of the I. L. D. had been printed in newspapers here that the organization would "make the saving of his life a national issue," similar to the Scottsboro case.

Walter S. Smith and John W. Altman, attorneys for the condemned negro, announced today they were preparing briefs asking for a rehearing before the Alabama supreme court, which recently confirmed the sentence and set August 26 for date of execution.

The attorneys have until July 14 to file the briefs which would automatically stay the sentence and if denied the supreme court would set another date.

"I do not approve of that organization (I. L. D.) and what it stands for," said Peterson's signed statement. "Mr. John W. Altman and Mr. Walter S. Smith are representing me in my appeal and they alone have authority to appear for me in the courts."

BAGGETT ACQUITTED IN NEGRO'S KILLING

Birmingham Reporter
7-22-33

Jury Out 16 Hours, Returns Verdict Of Not Guilty; Prisoners Sentenced

Neal Baggett, tried for the slaying of a negro boy at a North Montgomery ice plant several weeks ago, was acquitted of a murder charge by a Circuit Court jury that reported yesterday morning after being deadlocked all night. The jury received the case at 6:30 a.m. Thursday and reported to Judge Walter B. Jones shortly after 10 a.m. yesterday.

Baggett testified that he shot the negro in self defense while the prosecutor alleged that Baggett shot him without provocation. With the completion of this case, the week's criminal docket before Judge Jones was cleared and nearly a score of prisoners who had been convicted or had pleaded guilty were sentenced to terms in the penitentiary.

Robert Butts was sentenced to 10 years for robbery, and Joe Sellers, negro, was sentenced to 25 years for second degree murder. Others were:

Wade Harrell, white, grand larceny, five to six years; Mitchell Julian, negro, liquor, 14 to 20 months; James Daniels, grand larceny, two and one-half to three years; John Duncan, grand larceny, 18 to 24 months; Rosa Mae Franklin and Henry Nelson, negroes, grand larceny, two years and one day to two years and six months; Wilson Huston, grand larceny, negro, 13 to 19 months; Albert Jackson, negro, burglary, two to three years; Willie Lloyd, assault to murder, four to four and one-half years; Leola Moore, negro, assault to murder, four to five years; Henry Green, negro, grand larceny, 18 to 24 months; Frank Shorter and Henry Brisburn, negroes, liquor, 13 to 19 months; Boots Williams, negro, burglary, grand larceny and receiving stolen property, four to five years; Charles Wilson, burglary and grand larceny, 18 to 24 months; Lomax Wilson and Annie Mae Perkins, negroes, burglary and larceny, two to three years.

The Tuskegee Murders

In all that has been reported in these columns concerning the three recent murders at Tuskegee Institute, there has been no expressed or implied criticism of the administration of Dr. R. R. Moton, the principal, except in one particular.

Goodness knows, our college and university heads have enough troubles without burdening them also with gratuitous criticism from a non-educational source.

Dr. Moton has done a job which few people thought could be done. He filled the shoes of Booker T. Washington, not only consolidating the gains made by Mr. Washington, but adding eight millions in endowment and improvements in plant, personnel and course of study.

Unfortunately, into that happy picture are flung three killings, all of them brutal.

In two of the cases, the killer or killers escaped. In the third case he was a crazy man, whom many people knew was demented months before the killing.

Unfortunately, also, murder is not a private affair. It is a crime for which our laws provide a definite procedure.

Individuals may think that the interests of the school, or of a community warrant them in interfering with orderly processes of grand jury indictment and trial before a court. But no one has a right to think himself beyond the law.

If Tuskegee has made any error at all, it seems to have made it in assuming that a murder case could be hushed up. It can't. It is as true today as 6,000 years ago, "Murder will out."

Montgomery, Ala., Advertiser
July 12, 1933

NO AGITATION WANTED

The lawyers defending Willie Peterson, the Birmingham Negro sentenced to death for the murder of two Birmingham white girls, have asked the International Labor Defense NOT to interfere in the case.

The ILD announced that it would make the case of Willie Peterson a national issue. Which means that the ILD wanted more publicity and knew that while the Scottsboro case marks time, Willie Peterson could be made a martyr for the Cause.

But the Alabama attorneys are concerned with saving Willie Peterson's neck. They do not care to have their client lynched by the hate-distillers of the International Labor Defense.

Refusal of Willie Peterson and his counsel to accept "aid" from the zealous organization, however, probably will be pounced upon by the Labor Defense worthies as a chance for a double dose of trouble-making.

WILLIE PETERSON CASE BEFORE SUPREME COURT

Birmingham Reporter 7-29-33

That interest is growing more tense in the proper defense of Willie Peterson whose sentence to the electric chair was upheld by the Alabama Supreme Court last June, is shown by the many communications of inquiry directed to the office of The Birmingham Reporter.

Willie Peterson is still in the Jefferson County jail at Birmingham, and the motion for a rehearing before the Supreme Court has been made. Attorneys John W. Altman and Walter S. Smith are busy in the preparation of matters for the consideration of the Supreme Court of Alabama.

The Honorable John W. Altman expressed the opinion several days ago that the Supreme Court would reverse the decision of the jury in the lower court.

Willie Peterson has been without sufficient funds for necessary and proper defense from the time of his arrest until the present. Funds are badly needed now, and should be forwarded to Dr. Chas. A. J. McPherson, treasurer of the special committee in charge of the defense for Willie Peterson.

Notwithstanding the committee has not met its obligation with the attorneys as fully as promised, the attorneys have spared no time or interest in preparing the defense because of this. The Honorable John W. Altman a few days ago wrote a strong and very encouraging letter on what he regarded as the necessary steps to be taken at this time. Those interested or are handling the defense of Willie Peterson are following the instruction of the attorneys. What is now most needed is not unsavory mass meetings, but a cooperative interest in the raising of funds and following the direction of attorneys representing Peterson.

The committee has done a fine piece of work up to date, but there is yet a great deal more to do, and it must be done now.

BRISTOL, VA.
HERALD COURIER

JUL 17 1933

Can Nothing Be Done?

Three young white women riding on a lonely road near Birmingham, Alabama, nearly two years ago, were held captive for several hours by a Negro highwayman, who killed two of the women and wounded the other. The surviving young woman later identified Willie Paterson as the murderer.

The jury in his first trial failed to reach an agreement, but at his second trial he was convicted and sentenced to death, and the Alabama Supreme Court recently affirmed the sentence and set the execution for August 25.

The International Labor Defense, a radical organization with headquarters in New York City, has announced that it will enter the Paterson case and that it is taking steps to make the saving of the Negro's life "a national issue," with the same forces as exerted in the "Scottsboro case." The campaign, it is stated, "will be through mass pressure, mobilizing and organizing the indignation of the masses."

Now, the International Labor Defense has a right to interest itself in the case of any person, white or colored, accused of crime. It has a right to employ counsel to defend an accused person in any part of the country. But that organization, which can not possibly know that the Negro in this case is not guilty, proposes to make the case "a national issue" by appealing to the prejudices of certain classes.

We doubt if any organization has a right to do that. A fair trial is not possible when mass prejudice is aroused either for or against the defendant. The ends of justice are not promoted by the methods employed by the International Labor Defense and the American Civil Liberties Union. Can nothing be done to curb the meddlesome and harmful activities of those organizations in matters of this kind?

In Coleman Murder

A new trial Saturday was granted Jim Stark, a negro, convicted in Clayton superior court today for the murder four years ago of Mrs. Effie Coleman at her home near Jonesboro. The order was signed at Decatur by Judge John B. Hutcheson, of the Stone Mountain circuit.

Previously Robert Coleman, husband of the slain woman, was convicted of the crime and served four years of a life sentence. Through another negro, suspicion was cast on Stark, who is alleged to have confessed the crime. As a result of the alleged confession, Coleman was pardoned.

The negro was granted a new trial on the grounds that his alleged confession was not properly corroborated. He was represented by Carl T. Hudgins, O. J. Coogler and F. E. Ellis. The new trial will be held at the next term of Clayton superior court.

Negro Accused In Poison Slaying At Birmingham

Advertiser 8-22-33

BIRMINGHAM, Aug. 21.—(AP)—A warrant charging murder was sworn out today against Will Martin, negro, in the prison death of Mrs. J. T. Briskey, 60.

The negro, reported by police to have confessed placing rat poison in corn meal at the home of his estranged wife, was ordered held in city jail pending issuance of the warrant.

The meal in which the poison was found was used in bread prepared by the negro's wife and served the Briskey family last Friday. Seven members of the family are recovering from the poison which caused the death of Mrs. Briskey.

Negro Tenant Farmer Beaten to Death by Gang

Daily Worker 4-28-33

BENTON, Ala., Aug. 27. — A soaked doubled line was used to beat to death Joe Soles, also known as Joe Buck, a Negro renter here, by a lynchgang August 9, it was learned today.

The murder was committed by an organized gang of landlords which operates in the cotton country around here, and which is known to have taken ten Negro men and three Negro women this year to their "whipping post" in the woods, and beaten them.

The croppers and renters here have appealed to the International Labor Defense to expose this gang.

Soles was accused of stealing a cow which strayed to his place three years ago, by his landlord who wanted to cancel his lease, Aug. 8, he was ordered to go to the home of Edward Mealings, a white landlord. August 9 he went there, and was taken by Mealings and Archie Bryant, another member of the gang to the "whipping place."

After the beating Soles was taken to Dr. H. C. Clements of Benton, where he died. No inquest was held.

CONFESSIONS DENIED IN ALABAMA KILLING

Corrected Item 6-22-33

TUSCALOOSA, Ala., June 20.—(AP)—Two stories of the slaying of Miss Vaudine Maddox, 21, near here a week ago, today were repudiated by A. T. Harden, 15-year-old negro, who yesterday told officers he had witnessed the crime.

Cleveland Press 6-24-33

The negro told officials he had seen Dan Pippen, Jr., 18, negro, strike the girl with a rock and attack her, this morning recanted and said his stories were fabrications. It also was reported he had confessed participation.

Student League Protests Tuskegee Student Killing

Daily Worker 6-27-33

NEW YORK. — Protesting the shooting of a student, Ernest Treadwell of Tuskegee Institute Friday night, August 11th, the National Student League sent the following protest to the mayor of Tuskegee.

"The National Student League protests the shooting of Ernest Treadwell, a Negro student of Tuskegee Institute, by a white resident of the town of Tuskegee. The shooting of this student and of Russell O. Atkins, vice-president of the Institute, two months ago, are part of the terror and outright murder of Negroes which has greatly increased in the past two years. The official policy of the government to foster and encourage Jim Crowism, racial discrimination and other anti-Negro acts is the cause of the shooting of Treadwell and the others. We demand the immediate arrest of the perpetrator of the crime against Ernest Treadwell and his immediate conviction.

"The shooting of students and instructors at Tuskegee has been encouraged by the inactivity of the town officials who have done nothing in apprehending and prosecuting the murderers."

The National Student League calls upon all students and workers to protest this act of violence following close upon the lynchings of the Tuscaloosa frame-up victims.

Killings-1933

Alabama

Negro Blamed In Death Of Farmer

4-29-33

ATHENS, ALA., April 28.—(AP)—A coroner's jury today placed responsibility for the death of Gene Beddingfield, 15-year-old farmer, on Louis Williams, negro.

Beddingfield, who disappeared from his home Sunday, was found slain yesterday in Swan Creek in lower Limestone County.

Before the coroner's inquest Herman Malone, negro, said Williams shot Beddingfield as the latter forced his way into a house where the two negroes were staying. Beddingfield, Malone said, carried a stick.

The body, Malone testified, was hidden in some woods nearby until Monday when they placed it in the creek.

Previously Sheriff A. L. Baker had taken two negro women into custody pending an investigation of Beddingfield's disappearance.

The women were in the house to which Beddingfield had gone when he left home and blood stains were found on the premises.

FUNDS ARE NEEDED FOR PETERSON

(An Editorial)

Willie Peterson, who is now in the Jefferson County jail on a suspended sentence of death in the electric chair because of his appeal to the Supreme Court, will have his day before that body Thursday, May 18.

The tragedy of the killing of two white girls in August, 1931, has been many times told through newspapers, in the pulpits, and through other distributing agencies.

Willie Peterson, a World War veteran, who sustains an unusually fine character, being a member of a Baptist Church and serving for a long time as a deacon of that church, never before charged with crime, was picked up during September, 1931, and identified by Miss Nell Williams as the one who shot and killed her sister, Miss Augusta Williams and Miss Jennie Woods, and wounded her.

Peterson has faced two juries on this charge. The first jury after 44 hours returned to the court stating that it could not agree, and a mistrial was entered. On the second trial he was convicted.

While in the Jefferson County jail, before his first trial, he was shot three times by Dent Williams, the brother of the slain girl, while sheriffs, at least one Solicitor of the County, and members of the Woods and Williams family looked on.

Peterson was helpless then; he is helpless now. He denied his guilt when the charge was laid at his door, and has consistently denied his guilt from the day of his arrest until now. While the blood was oozing from his body, having been shot three times while in the custody of officers, with uplifted hands, it is said, he declared in words to this effect, if not these words:

"White folks, you are killing an innocent man. I know nothing of the killing of the girls on the mountain, and had no hand in it."

Believing in the innocence of Willie Peterson, and believing it to be a case of mistaken identity, a few friends of the race and friends of the human family desiring to see full and complete justice done, formed a committee to raise funds for his defense. That committee has made a diligent effort in his interest.

Willie Peterson is a very humble character. Those who know him are friendly toward him, and are willing to share and do share in his interest. But, his friends are among the very poorest of the poor; they do not have money, the thing that Willie Peterson needs now more than anything else. The committee secured the best attorneys to represent him. Attorneys John W. Altman and Walter S. Smith are handling the appeal before the Alabama Supreme Court. The defense needs funds to take care of the expense of transcripts which constitute five or seven large volumes, attorneys fees are yet unpaid. Peterson is handicapped. He cannot tell his story to the public; he is barred from pulpit or press. If friends of the human cause don't come to his aid he will not be saved. At least $550.00 is needed at once. The boy has no organization behind him. His color seems to be his greatest sin.

No doubt if Willie Peterson could reach the people of Birmingham there would be no question about the funds, and adequate, reasonable and necessary protection. But, he is behind the bars. He can't speak for himself. He must have a friend. He must have friends active and he must have them now.

What will we do for Willie Peterson? Will we sacrifice counsel that has worked untiringly that justice may prevail? Or, will we go forward as a race of human beings desiring that justice be done to all mankind?

Willie Peterson offers a challenge to the human family. Money must be raised; it must be raised immediately. It should be sent to Dr. Chas. A. J. McPherson, Secretary of the Special Committee, whose address is 1630 North 4th Avenue, Birmingham, Alabama.

HELP FOR WILLIE PETERSON URGED

5-1-33

As we go to press the Willie Peterson case is being presented before the Supreme Court of the State of Alabama. Peterson is in the Jefferson County jail at Birmingham where he has been off and on for nearly two years. The appeal is presented by the Honorable John W. Altman and the Honorable Walter S. Smith.

The story is an old one. Peterson was tried by a jury the last time on which sat a man who had announced before he was placed there that he believed that Peterson was guilty and that he would like to get on the jury in order that he might have a chance "to stick him."

Various appeals have been made for funds for this man in order that he might have a fair trial to which he is entitled. Funds are needed now. The lawyers have made unusual sacrifices in this matter, and they continue to sacrifice believing in the innocence of this Negro man. Some of the colored people have labored untiringly, and are going on with the hope that if Peterson is innocent he will have every opportunity of vindicating himself.

Whatever monies one wishes to donate may be sent to Dr. Chas. A. J. McPherson, chairman of the special committee, who has the Willie Peterson case in charge. His address is 1630 Fourth Avenue, North, Birmingham, Alabama. What can be done should be done without hesitancy and at once.

WILLIE PETERSON APPEALS CONVICTION

Counsel Insists He Could Not Have Committed Famous Shades Mountain Crime

5-19-33

Appeal was submitted to the Alabama Supreme Court yesterday in the case of Willie Peterson, negro, convicted in Jefferson County of one of the most atrocious crimes in the State's history and sentenced to death.

This crime was the murder of Miss Augusta Williams and Miss Jennie Wood who was attacked before she was slain, and the shooting of Miss Nell Williams, 19, sister of Miss Augusta Williams. Miss Nell Williams was desperately wounded, but eventually recovered. The tragedy occurred on Shade's Mountain near Birmingham, Aug. 4, 1931.

In the submission of the appeal to the high court, Roderick Beddow, Birmingham attorney, special prosecutor in the case, made the principal argument for the State, representing the office of Atty. Gen. Thomas E. Knight, Jr.

Points stressed by Mr. Beddow in his argument were that there could be no question as to positive identification of Peterson by Miss Nell Williams; that from 30 to 40 different negro men were brought before her for identification in the course of a nation-wide search for the murderer, and she stated positively none of them was the perpetrator of the crime, but that the moment she saw Peterson on a Birmingham street, she pointed him out to her escort as the perpetrator of the crime; that her identification was corroborated by Mrs. T. S. Morton, of Birmingham, who earlier in the day had passed the spot where the tragedy later was enacted, and observed a negro man answering Peterson's description; and that Miss Williams with her two companions was detained for more than three hours where the crime occurred, by its perpetrator, three hours of that peiod being daylight, and 15 minutes twilight—and that she could not, therefore, be mistaken in her recognition of the guilty man.

Mr. Beddow stated that Peterson is the type that can be easily identified, and said in illustration of that insistence, that the general conformation of features, and the appearance of Peterson, are strikingly like those of a certain well known East Indian leader who for several years has been constantly in the public eye.

Defense counsel, consisting of John W. Altman, Walter S. Smith, J. R. Johnson and R. J. Roach, argued that Peterson is not the man who committed the crime; that it is a case of mistaken identity. They maintained that Peterson was ill at his home; that he had been ill for two or three years, and that it would have been impossible for him to be on Shade's Mountain when the tragedy occurred, for the reasons stated.

Mr. Beddow declared, however, that at the time Peterson was arrested he was eight miles from his home; that he went to a bank on the day before the crime and drew out some money, and some days later sent his wife back to draw the remainder of his money from the bank. He also stated a hat described by Miss Williams as the kind worn by the murderer was found at Peterson's house, and that Mrs. Morton also testified it was the same sort of hat worn by the negro man she saw near the scene of the crime.

Demented Negro Stabs Farmer At Fort Deposit

5-29-33

FORT DEPOSIT, ALA., May 29.—(Special)—Bloodhounds sent here from Montgomery are searching through Southern Lowndes County this morning for a negro, believed to be demented, who stabbed and seriously wounded Albert Wilson, 40, at the Wilson farm near here at 8:30 o'clock Sunday night.

Officers who investigated the assault said the assailant was described as a "strange, crazy negro," who was not known by residents of the neighborhood. The wounded man was treated at his home by a physician, as his condition was too precarious to permit his removal to a Greenville hospital. He is a son of John Wilson, prominent planter of this section.

Demented Negro Slain By Farmer

5-30-33

FORT DEPOSIT, ALA., May 29.—(AP)—A Mr. Frazier, Lowndes County farmer, today shot and killed an unidentified negro who last night stabbed and seriously wounded Halbert Wilson, of Fort Deposit, and also stabbed Mr. Frazier before he was killed.

Mr. Frazier, who was brought here for treatment, said the negro resisted arrest and stabbed him in the chest and hands before he killed him.

During the day a large crowd visited the Frazier home but no one was able to identify the negro.

Last night, the negro stabbed Mr. Wilson and fled. Bloodhounds were brought here from Kilby Prison to assist in the hunt and tracked the negro to the Frazier farm.

Officials said the negro, a stranger to this community apparently was demented.

Both Mr. Frazier and Mr. Wilson were seriously wounded but were not considered to be in a critical condition.

Negro Fells Lee County Planter In Farm Dispute

OPELIKA, ALA., June 14.—(Special)—M. L. Johnson, widely known Lee County planter, was seriously injured at his home on the West Point Highway early today when he was attacked by a negro following an argument over farm matters.

PATTERSON TO GET ANOTHER HEARING ON ATTACK CHARGE

Conviction With Death Penalty Is Set Aside In Decision By Judge Horton

PREPONDERANT EVIDENCE IS SEEN FOR DEFENDANT

Prosecution Testimony Being Uncorroborated Is Cited By Jurist

BY T. M. DAVENPORT

ATHENS—(AP)—Judge James E. Horton Thursday granted a motion for a new trial for Heywood Patterson, one of nine Negroes indicted in the Scottsboro case, setting aside the conviction with its death penalty imposed in Morgan County Circuit Court, April 9.

Judge Horton held in a lengthy written opinion that the "evidence greatly preponderates in favor of the defendant."

In his opinion, Judge Horton said: "As heretofore stated, the law declares that a defendant should not be convicted without corroboration where the testimony of the prosecutrix bears on its face indications of unreliability or improbability, and particularly when it is contradicted by other evidence.

"The testimony of the prosecutrix (Victoria Price) in this case is not only uncorroborated, but it also bears on its face indications of improbability and is contradicted by other evidence, and in addition thereto the evidence greatly preponderates in favor of the defendant."

Immediately after Judge Horton had announced his decision Atty. Gen. Knight asked the court to set an early date for a new trial, adding, "the state is ready at any time to begin a new trial and will do so if it pleases the court."

George W. Chamlee, Sr., defense attorney, then asked Judge Horton if he would entertain a motion to "dismiss the indictments against all these defendants in view of this decision." Judge Horton replied "such a procedure would be improper."

Knight showed that he was disappointed in the decision and defense attorneys were jubilant.

"It is a great victory," said Osmond W. Fraenkel, of New York, who recently entered the case. "There are still just judges in Alabama." Chamlee said, "Constitutional law still prevails in Alabama."

Judge Horton permitted no arguments, but went directly into reading his 26-page decision in which he reviewed the evidence and analyzed the testimony of Mrs. Victoris Price, of Huntsville.

It was for an alleged attack upon Mrs. Price aboard a Southern Railway freight in Jackson County March 25, 1931, that Patterson was convicted and sentenced to death for a second time at Decatur in April.

"As human life is at stake, not only of this defendant, but of eight others, the court does and should approach consideration of this motion with a feeling of deep responsibility and shall endeavor to give it that thought and study it deserves. . . Deliberate injustice is more fatal to the one who imposes than the one on whom it is imposed.

". . . the court will decide this motion upon the sole consideration of what is its duty under the law."

Judge Horton said he had studied the law and evidence in the case many days, and cited decisions of the Alabama Supreme Court of Appeals in cases of a similar nature in which reversal of the lower court verdict had been given because the evidence of the prosecutrix was uncorroborated and doubts as to credibility had been raised and contradicting testimony had been shown.

Judge Horton quoted from the law as follows: "But the defendants should not be convicted without corroboration where the testimony of the prosecutrix has on its face indications of unreliability or improbability and particularly when it is contradicted by other evidence, and where the evidence preponderates in favor of the defendant or the verdict appears to have been influenced by passion or prejudice, it should always be set aside unless there is corroboration of the prosecutrix.'"

"The court will of necessity consider in detail the evidence of the prosecutrix, Victoria Price, to determine if her evidence is reliable or whether it is corroborated or contradicted by the other evidence in the case," Judge Horton said.

The jurist then reviewed the testimony of Victoria Price and compared it with testimony of both state and defense witnesses and called attention to the fact that although Mrs. Price contended Orville Gilley, a white youth, was in the chert car in which the attacks were alleged to have occurred, he was not placed on the stand in the Patterson trial. Atty. Gen. Knight at that time said all the state's effort to locate him haid failed. Judge Horton reviewed the circumstances of the arrest at Paint Rock March 25, 1931, after the station agent at Stevenson had wired ahead of the frieght train that a group of Negro hoboes had thrown six white hoboes from the train. He pointed out that Ruby Bates, the second alleged victim of the attack, had repudiated her testimony at the trial in April, 1931, at Scottsboro and that state witnesses had said that she was the first to make any charges against the Negroes.

Judge Horton went into the testimony of Dr. Bridges, who examined the women at Scottsboro, which he said failed to show that Mrs. Price had been attacked.

Judge Horton said that of the seven white boys on the train and in the fight, none was put on the stand "except Lester Carter and he contradicted her." Carter's testimony, the judge said, was subject to some doubt and that Victoria Price had denied knowing him until she saw him at Scottsboro.

The witness, the judge said, had testified to seeing Victoria Price commit acts of adultery with Jack Tiller and that the prosecurtix had admitted knowing Tiller, whom Carter identified in court.

"Lester Carter stated that he was one of the seven boys engaged in the fight and that he did not see a single knife or pistol in the hands of the Negroes," said Judge Horton. "And although these seven white boys were kept in jail at Scottsboro no one testified to any knife or pistol wounds on any of them. Victoria Price had testified in both trials that the Negroes were armed with knives and a pistol and during the alleged attack one of them held a knife at her throat."

Near the end of his opinion, after discussing the testimony as to Victoria Price, Judge Horton said: "History, sacred and profane, and the common experience of mankind teaches that women of the character shown in this case are prone for selfish reasons to make false accusations both of rape and of insult upon the slightest provocation, or even without provocation, for ulterior purposes.

These women are shown, by the great weight of evidence, on this very day before leaving Chattanooga to have falsely accused two Negroes of insulting them and of almost precipitating a fight between one of the white boys they were in company with and these two Negroes.

"This tendency on the part of the women shows they are predisposed to make accusations upon any occasion whereby their selfish ends may be gained."

There was no demonstration by the crowd that had remained quiet and attentive throughout the reading of the long decision.

After court adjourned, Judge Horton told the Associated Press the remainder of the trials in the Scottsboro case would not be set before late August or in September.

Leibowitz Is Not Surprised At Decision

NEW YORK—(AP)—Samuel Leibowitz, counsel for Heywood Patterson, Negro, whose conviction in the Scottsboro case was set aside Thursday, said he had "anticipated from the beginning" that Judge Horton would decide in Patterson's favor.

"No appellate court," Leibowitz said, "would have or could have ever sustained this outrageous verdict. Judge Horton is entirely right.

"I am sorry about one thing though, that the United States Supreme Court will not be given the opportunity of meeting the clearest cut issue of exclusion of decent Negro citizens from participation in service upon jurtes as guaranteed to them by the fourteenth amendment to the constitution of the United States."

Montgomery, Ala., Advertiser
June 15, 1933

Negro Fells Lee County Planter In Farm Dispute

OPELIKA, ALA., June 14.—(Special)—M. L. Johnson, widely known Lee County planter, was seriously injured at his home on the West Point Highway early today when he was attacked by a negro following an argument over farm matters.

MAD NEGRO KILLS TUSKEGEE OFFICIAL

Assistant Principal At Institute Slain In Apartment By Cafe Operator

TUSKEGEE, Ala., July 1.—(AP)—A negro, described by police as deranged, today shot and killed Prof. Russell Atkin, assistant principal of Tuskegee Institute, as he descended the stairs from his apartment here.

The negro, J. D. Thompson, operator of a cafe, surrendered to Sheriff T. A. Riley after the shooting and said he had slain Atkin because he had accused him of slaying two women on the campus here.

The two women, Helen Howard, a nurse at the institute, was slain about a month ago and Mary Booth, sister-in-law of Dr. R. R. Moton, principal, was killed nearly a year ago.

Both slayings were under mysterious circumstances and officers had never made an arrest in either case. Chief of Police Thrasher, of Tuskegee, said Atkins had been active in the investigation. Atkin was shot several times in the back by a man hidden at the foot of the stairs.

For many years Atkin had been active in educational work among members of his race and his elevation to the post of assistant principal was in recognition for his accomplishments. He was recognized as an authority on agricultural subjects.

Atkin was a native of Winston-Salem, North Carolina.

ILD TO DEFEND FRAMED NEGRO

NEW YORK—The defense of Willie Peterson, Negro veteran, sentenced to die August 25, will be taken up by the International Labor De-

Negro Shot Dead In Ice Plant Fight

Neal Baggett, 22, of Highland Park, an employe of the Atlantic Ice and Coal Company, was being held at the county jail last night for the fatal shooting at 1 p.m., yesterday of Sam Orum, 16-year-old negro of 17 Watkins Alley. Following the shooting, Baggett surrendered at the jail and gave officers his pistol and a large knife. The knife, he said, had been used the negro in an attempt upon his life.

The difficulty occurred at the ice plant, where both Baggett and the negro were employed. Baggett told Sheriff Sam Stearns that he would make a statement "at the proper time."

fense, it was announced here yesterday by William L. Patterson, national secretary.

The Alabama Supreme Court held that the identification of Peterson by Nell Williams, sister of Augusta Williams, with whose death the Negro veteran is charged, was sufficient evidence and set the date of execution.

"Willie Peterson has been framed and sentenced to die by the same white ruling class and the same tools of the white ruling class of Alabama, as the Scottsboro boys," Patterson said.

"The International Labor Defense will immediately open a campaign of mass pressure, mobilizing and organizing the indignation of the masses of white and Negro workers against this frame-up, showing the link it bears to Scottsboro and to the oppression of the Negro people and white workers."

WILLIE PETERSON ORDERED TO DIE

NAACP Made Legalistic Defense for Negro

MONTGOMERY, Ala.—Willie Peterson, Negro veteran, was sentenced to die August 25 on a framed charge of having murdered Augusta Williams, Birmingham society girl, in 1931. The state supreme court overruled the appeal taken by the National Association for the Advancement of Colored People from the verdict of the lower courts.

The special prosecutor in the case was Roderick Beddow, the Birmingham attorney to whom the N. A. A. C. P. paid $1,000 of the money collected by the organization for Scottsboro defense.

Peterson, a miner, suffering from tuberculosis, was shot and seriously wounded in Birmingham jail by Dent Williams, brother of Augusta Williams, while jail officials looked on. No attempt was made to punish anyone for this crime.

The defense of Peterson was conducted in a purely legalistic manner, no mass pressure being organized by the N. A. A. C. P. to force his release.

Alabama

Killings-1933

WILLIE PETERSON IN DANGER AFTER N.A.A.C.P. BETRAYAL AND LYNCH PRESS ATTACKS

Daily Worker 2-15-33.
New York N.Y.

Charge Peterson Knew Nothing of Statement Urging I.L.D. Withdrawal from Case

BIRMINGHAM, Ala.—Alarmed at the prospect of a mass defense to snatch Willie Peterson, tubercular Negro veteran, from the electric chair in which the white ruling class of Alabama has sentenced him to die August 26 on a framed charge of murder, the white lynch press of the South and the N.A.A.C.P. attorneys who have betrayed him to a death sentence have joined hands to demand that the International Labor Defense withdraw from the case.

Following announcement by the I. L.D. that it would rouse mass protest against the frame-up system which operates in Alabama against the Scottsboro boys, Willie Peterson and hundreds of Negro and white workers, Walter S. Smith, N.A.A.C.P. attorney in charge of the Peterson "defense", issued a statement in Peterson's name demanding that no mass protest be made.

Hold News from Peterson.

"It is highly improbable that Willie Peterson ever knew of the announcement of the I.L.D., or that he knew of Mr. Smith's statement," the I.L.D. Southern district office said. "Peterson knows that the I.L.D. has now four times saved the Scottsboro boys from the most determined efforts of the legal lynchers. He knows that mass protest has done this—unless his attorneys and the prison authorities have succeeded in keeping all knowledge of what goes on in the world outside his miserable cell."

The Chattanooga "News", prominent white lynch organ, picks up Smith's statement and eagerly grasps at it, supports it, and uses it to attack the Scottsboro defense.

Mass Protest Planned.

"It is possible that Willie Peterson has gotten rid of the I.L.D. in time," the News says. "We don't know about that. We are not familiar with his case, although the crime of which he was convicted was a particularly shocking and revolting one."

The I.L.D. will continue its demand that Willie Peterson be freed unconditionally, it was announced, and will organize mass protest against this monstrous frame-up.

Reign of Terror.

A fact which the I.L.D. exposed in the early part of the case, but which the N.A.A.C.P. and the entire lynch-press has consistently concealed, is that the description given to the police by Nell Williams, sister of the women in whose murder Peterson has been framed, could in no sense apply to anyone but a white man disguised as a Negro.

The Williams murder, it was pointed out, was used as a springboard for a country-wide reign of terror against Negroes. It is estimated that at least seventy-five Negroes were murdered in Birmingham and Alabama alone as a result of the lynch incitement around this case by the police and newspapers, including the Chattanooga News. It was the I.L.D., it was also pointed out, which in August of 1931, prevented the extradiction to Alabama from Chicago of Alisha and Leroy Thompson, who were proved to have been in Chicago on the day of the murder but were "identified" by Nell Williams as her sisters' murderers, just as she later "identified" Peterson.

NO AGITATION WANTED

The lawyers defending Willie Peterson, the Birmingham Negro sentenced to death for the murder of two Birmingham white girls, have asked the International Labor Defense NOT to interfere in the case.

Montgomery Advertiser 2-12-33

The ILD announced that it would make the case of Willie Peterson a national issue. Which means that the ILD wanted more publicity and knew that while the Scottsboro case marks time, Willie Peterson could be made a martyr for the Cause.

Montgomery Ala

But the Alabama attorneys are concerned with saving Willie Peterson's neck. They do not care to have their client lynched by the hate-distillers of the International Labor Defense.

Refusal of Willie Peterson and his counsel to accept "aid" from the zealous organization, however, probably will be pounced upon by the Labor Defense worthies as a chance for a double dose of trouble-making.

WILLIE PETERSON SEEKS REHEARING

Application Filed In Supreme Court By Negro Convicted In Shades Mountain Murder

Application for rehearing was filed in the Alabama Supreme Court yesterday in the case of Willie Peterson, negro, convicted in Jefferson County of the murder of Miss Augusta Williams, and sentenced to death. This action by counsel for the condemned man, has the effect of suspending execution of the sentence until the application has been passed upon by the high court.

The murder of Miss Augusta Williams occurred in the Summer of 1931 at a lonely spot on Shade's Mountain, near Birmingham, to which she, her sister, Miss Nell Williams, and a friend, Miss Jennie Woods, who were out for an automobile ride, were forced to drive, at the point of a pistol, by the killer who held them prisoner there for hours.

Miss Jennie Wood was also fatally shot by the slayer, and Miss Nell Williams was dangerously wounded, but recovered.

Following her recovery, Miss Nell Williams pointed Peterson out on the streets of Birmingham, as the guilty man. He was arrested, indicted and placed on trial, the proceedings resulting in a mistrial. Tried a second time he was convicted, sentenced to pay the extreme penalty, and appealed.

Upholding judgment of the Jefferson Circuit Court, the Supreme Court in a decision announced June 29, set Friday, Aug. 25, as the date for Peterson's execution. Carrying out of the death sentence is now suspended, however, pending action on the application for rehearing that has just been filed.

The Supreme Court, which is in recess, will reconvene in regular session on the first Monday in October.

PETERSON MUST DIE, RULING

Courier-Journal 6-29-33

MONTGOMERY, Ala., uly 6—(By ANP)—In the same manner that the original conviction of the Scottsboro defendants was upheld, the Alabama Supreme court here Thursday upheld the conviction of Willie Peterson and set his date of execution for August 25.

The crime for which Peterson, residing on the outskirts of Birmingham, was convicted, occurred in August, 1931, when three white society women were kidnaped in their own car and two of them shot to death. The lone survivor, Nell Williams, who was wounded, told police that a colored man had jumped on the running board of their car, forced them to drive to a lonely section, lectured to them on their treatment of his race, and that when they repulsed his sex advances, he shot and beat them.

The two women who were slain were Jennie Woods and Augusta Williams, sister of Nell Williams.

Several weeks after the murders, the surviving sister and a man friend, armed, were driving through the streets of Birmingham when Peterson was sighted and seized in connection with the crime. Nell Williams identified him. He was placed in jail and indicted for murder. He denied the crime from the start.

While he was being held in Jefferson county jail, a conference was arranged so that he might be questioned by police officials and relatives of the dead women. At that time, in the presence of the police officers Peterson was shot five times by Dent Williams, brother of one of the slain women. Williams was later given a hearing and freed on the grounds that he had brought a pistol to court and shot Peterson during a period of temporary insanity. That's just how things go down here.

Peterson was brought to trial. The state had the utmost difficulty in sustaining any case against him. After several days, the matter was turned over to a jury of southern white men. These jurors deliberated 42 hours without reaching a decision and the case was declared a mistrial.

Then something else happened. A new prosecutor entered the case, Roderick Beddow, famed as the outstanding criminal lawyer in the state. A new judge also, Judge Heflin, brother to the former United States senator. The ex-senator last week wrote to Attorney General Knight offering him his assistance without charge, to obtain another judge for the Scottsboro boys. He was incensed when Judge Horton granted Heywood Patterson a new trial.

The new prosecutor against Peterson was Beddow, the new judge, Heflin. Before the taking of testimony was begun, jurors were placed upon the stand who had expressed opinions in respect to Peterson's guilt. After the testimony had ended, the judge expressed himself in a manner to cause the defense to object.

Peterson was convicted.

His attorneys, just like those fighting in behalf of the Scottsboro boys, have exhausted their resources in the courts of Alabama. The highest court in the state has decreed death for Peterson who, unless his case can be carried higher, must die August 25th.

If the cases of the Scottsboro boys had not been taken higher, they would have been dead long ago but execution would not have made them guilty, although it would have prevented a second, and even a third trial, in which all the error and prejudice of the first trial might be exposed.

PETERSON'S DEATH SENTENCE UPHELD

Montgomery Advertiser

Supreme Court Says Birmingham Negro Must Die For Murder

6-29-33

montgomery Alabama.

Affirming judgment of the Jefferson Circuit Court in the case of Willie Peterson, negro, convicted of the murder

of Miss Augusta Williams, of Birmingham, the Alabama Supreme Court in a decision handed down yesterday morning, set Friday, Aug. 25, as the date for Peterson's execution.

The tragedy occurred on Aug. 4, 1931. Accosted by a negro man while they were out driving in an automobile near Birmingham, Miss Nell Williams, her sister, Miss Augusta Williams, and Miss Jennie Wood were forced by him to drive to an isolated spot on Shade's Mountain where he held them captive for two and a half hours.

Miss Augusta Williams and Miss Wood were shot and mortally wounded by the negro. Miss Nell Williams was also shot and desperately wounded by him, but eventually recovered. On Sept. 23 following, Miss Nell Williams pointed out Peterson on a street in Birmingham, positively identifying him as the guilty man. Peterson was subsequently arrested, indicted, tried, convicted and sentenced to death and appealed.

Opinion of the Supreme Court, which was written by Justice Lucien D. Gardner and concurred in by all other justices, points out as to the question raised that one of the jurors, one Duggar, was biased, that Duggar acknowledged in open court that from rumor and newspaper accounts of the crime he had expressed an opinion about the case but stated that as a juror he would be governed by the evidence alone. Dugger it was ruled, was not disqualified from serving as a juror.

Regarding the contention that there should be a reversal for failure of the trial court to instruct the jury on murder in the second degree, the opinion recalls that the language of the oral charge indicates all counsel was agreed the case disclosed murder in the first degree or nothing. Concerning reference of the assistant solicitor to the defendant as a "gorilla in human form," the opinion states this apparently was based on the assumption the defendant was guilty, and so considered, did not constitute prejudicial error.

As to identification of Peterson by Miss Nell Williams, the opinion recalls that she was in the presence and hearing of the perpetrator of the crime for about two and a half hours, from about 5:30 p.m. until he left the scene at 8 p.m. and that during much of this time "there was a discussion with pleadings on the part of the young ladies that they be permitted to go unmolested."

It is also pointed out that unaided by any suggestion from anyone she pointed out Peterson on the streets of Birmingham as the guilty man.

THE PETERSON CASE AGAIN

Birmingham Reporter 7-8-33

The action of the Alabama Supreme Court in affirming the decision of the Jefferson County Court in the case of Willie Peterson, convicted for the slaying of a young white woman two years ago brings no surprise, because the records of the trial show that the defense omitted to make exception on which a reversal might have been had.

Within the 60 days allowed by the supreme court to appeal from its decision to the U. S. Supreme Court there is good reason now to believe that a brief will be filed stating grounds of appeal to the federal high court.

The Peterson case is one of those for which it is always difficult to get adequate defense counsel.

The notice for rehearing automatically stops the execution until the motion is disposed of by the court. This, it is confidently felt, will be done in the next few days and if denied the Peterson case will be on its way to the supreme court of the United States.

Birmingham, Ala. News
June 24, 1933

NEGRO IDENTIFIED IN GIRL'S SLAYING

Two Negroes held in jail here in the slaying of Miss Vaudine Maddox, 21, in Tuscaloosa County, two weeks ago, Satuday identified Honey Clark, another Negro, as the slayer of the girl.

The Negroes, A. T. Harden, 15, and Tom Pippen, Jr., 18, when confronted with Clark, told officers they had seen him drag the girl from a lonely road, attack and kill her.

Head Warden Erwin, Deputy Warden Disheroon, Solicitor Foster and two deputy sheriffs from Tuscaloosa were present when the two young Negroes identified the third.

Solicitor Foster and the two deputies immediately left for Tuscaloosa with Harden and Clark, presumably to take them before the Grand Jury, which convened there Saturday to probe the slaying, and also a demand by a crowd that two of the Negroes be delivered over to them.

Harden and Pippen were quietly brought to the Jefferson County Jail early this week as a safeguard against any effort at violence against them.

A special session of the Tuscaloosa County Grand Jury was convened Saturday to consider the slaying last week of Miss Vaudine Maddox and also to consider indictments against persons responsible for the storming of the county jail Wednesday night by a large crowd demanding the Negroes.

The crowd, estimated at 150 persons, that came to the jail Wednesday night was dispersed when Sheriff Shamblin permitted two of its members to go through the jail and satisfy themselves the Negroes were not there. The suspects had been transferred to the Jefferson County Jail at Birmingham.

CONDEMNED MAN STILL HOPEFUL---ATTORNEYS WORK FOR RE-HEARING---MONEY NEEDED

Birmingham Reporter 7-8-33

The case of Willie Peterson and the decision of the Supreme Court affirming the verdict of the jury in the lower court, has created widespread comment, and the people generally appear to take the decision with much surprise and disappointment.

It must be remembered that the Honorable John W. Altman and the Honorable Walter S. Smith, attorneys now handling the appeal, did not represent Willie Peterson in either of the trials before the lower courts. They came into the case and asked for a rehearing before Judge Heflin which motion was denied, and they appealed to the Supreme Court. This was the beginning of their actual interest in the case. Those who have been able to read the pleadings and briefs on the appeal must have been impressed with the great amount of research work in the preparation of this appeal on the question of law, the evidence and the manner in which the trial was conducted.

Writing to a member of the committee interested in the case, the Honorable John W. Altman is quoted as saying: "I still believe that the Supreme Court of Alabama will reverse the Peterson case. * * * *

I. L. D. NOT REPRESENTING PETERSON

Last Monday Attorney Walter S. Smith and some members of the special committee fostering the defense of Willie Peterson conferred with the defendant in the Warden's office at Jefferson County Jail, and Peterson, after hearing the story read which appeared in one of the daily papers here Monday, to the effect that the International Labor Defense had charge of his case, is reported as saying: "I have not authorized the I. L. D. to come into my case in any way. I have not heard of their connection with my case until now. If they are doing anything for me or in my interest, it is without my knowledge and authority. I'm depending on Attorneys John W. Altman, Walter S. Smith, my friends, white and colored, who are interested in me."

When asked how he felt, Peterson said: "I'm feeling all right, except I suffer sometimes because of the shot I received through my lung." He was asked if he knew of the ruling of the Supreme Court, he answered "Yes, I learned of that; I was surprised, but still believe that I will be a free man and I hope that the person who committed the crime will answer for it."

Someone in the conference asked Peterson whether he prayed; he said: "I have always been a praying man, even before I was in trouble. I pray, trust God and try to treat everybody right. I have never been arrested before, was never on the witness stand, and was never charged with any kind of offense, until this charge was placed against me. I have always been able to get along with everybody, white and colored ,and if I have any enemies I don't know them. The thing that worries me is why I should be selected out and charged with a crime of this kind."

RE-HEARING BEFORE SUPREME COURT

The attorneys, the Honorable John W. Altman and Honorable Walter S. Smith, have gone forward with the preparation of a re-hearing before the Supreme Court. This motion will probably be filed before the end of this week, but a hearing will not be had until possibly during the month of October. According to Attorney Smith the order for execution of Willie Peterson on the 25th of August has been withdrawn pending the motion for rehearing. If a re-hearing is denied, the Attorney advises that the case will be carried to the Supreme Court of the United States. Attorneys are expressing great interest and determination in the matter.

MONEY NEEDED

Attorney John W. Altman has made unusual sacrifices in the expenditure of cash for necessary expenses in the proper handling of the Peterson case. There is $807.00 due and unpaid, and has been due for a long time; $732.00 of this amount is for actual expense for transcripts, briefs, and other necessary expenses in preparing the appeal. This seven hundred thirty-two dollars does not include expenses that have occurred since the decision of the Supreme Court. The responsibility of raising and retiring this debt is upon the shoulders of the Special Committee and every citizen who believes in justice and fair play. Many hundreds of people, yes, thousands of them, believe Willie Peterson is a victim of mis-identification and that the circumstances preclude him of any connection with the case whatever. If he is innocent, then he should have extraordinary defense, and those who have money, even though it is in small amounts, should come to the rescue of Willie Peterson at this time. If he could tell you his story, there would hardly be hesitancy on the part of anyone who has knowledge of human affairs but what would come to his rescue. We certainly cannot expect people who believe Peterson guilty to offer any defense for him. His defense must come from those who believe him innocent, and believe in justice, regardless of race or color. Clubs and societies should not overlook this all-important matter. Individuals should come forward, churches should not be lacking in their interest, and all should act now. Funds should be sent to Dr. Charles A. J. McPherson, secretary-treasurer of the committee, at 1630 Fourth Avenue, North, Birmingham, Ala.

Birmingham Negro Refuses I. L. D. Aid

The International Labor Defense has been asked by Willie Peterson, negro condemned to death not to interfere in his case as his attorneys are preparing a new fight for his life.

In a signed statement made yesterday, Peterson who is under death sentence for the slaying of Miss Augusta Williams on Shades Mountain on August 4, 1931, said:

"The International Labor Defense and its representatives have never talked with me about my case. If this organization is taking up my case in any manner whatsoever, I repudiate their efforts along this line and I ask that organization to have nothing to do with my case as I do not approve of that organization and what it stands for."

Walter W. Smith and John W. Altman, attorneys for Peterson, are preparing a brief to file before the Alabama supreme court asking a rehearing of the decision by which the death sentence was affirmed and August 25 set as date of execution.

Peterson was arrested on the streets in Birmingham after Miss Nell Williams sister and Miss Jennie Wood were slain and wounded when her identified him.

Killings-1933.

Alabama

MAN IS SHOT FOLLOWING ATTACK

Police Claim Self Defense; Victim Was Sought for Some Minor Charg

FRAMEUP IS BELIEVED

To maintain its record for murder and lynching of Negroes, Tuscaloosa Tuesday night added another victim to its long list of murdered men by police officers when Charley Williams was fatally shot by "special' officer Hulsey after an alleged attack on a fellow officer by the Negro and his wife.

The officer claims that he shot the Negro to prevent serious injury to his companion, Foster Wright a deputy after Williams had grappled with him to prevent arrest. The officers stated that they had a minor charge against Williams and that he refused to go with them after being shown the warrant. The nature of the charge was not known but in fact of the recent lynchings of Negroes by officers is believed to have the cause for Williams refusing to be taken by the men. He was not guilty of any charge that would cause his arrest and he believed it to be the same kind of frame-up that officers used to get Dennis Cross from home to shoot him to death.

Williams was at his home preparing to retire when the officers came to his house with the warrant. Using abusive language they demanded that he come with them. One of the officers pulled out a piece of paper which he claims was a warrant and without allowing Williams to read it grabbed him by the coat and attempted to rush him out to their automobile. When Williams pulled back and asked to read the warrant and inquired as to the charges, Hulsey shot him. He died in his wife's arms. No charges will be brought against the murderers.

It is believed that Williams' murder was another part in the effort to intimidate Negroes in Tuscaloosa. The lynchings of Pippin and Harden and Dennis Cross a few weeks ago were the first steps. Williams had done some talking around Tuscaloosa about Negroes getting employment under the new CWA projects, and the officers were sent to his house to get him out for another lynching. The failure to get him out the officers did it themselves in the presence of his wife.

Williams was not armed and no weapon was found in his house after the murder.

Rushing Atmore Guard, 29 Flee; Slay Posseman

Shoot 2 Farmers In Back; Six Recaptured As 42 Bloodhounds Trail Rest

Get Victims' Arms

Break Carefully Planned By Convicts Who Were Refused Yule Paroles

MOBILE, ALA., Dec. 29.—(AP)—Police announced tonight a man who gave his name as L. O. Crumple, had been taken into custody and admitted having escaped from Atmore State Prison Farm today, in a break of 29 convicts for freedom.

Crumple, serving a ten-year sentence from Montgomery County for robbery, told police he had separated from a band of fugitives this afternoon and hitch-hiked to Mobile. He was wearing overalls and a jumper over his prison uniform which, he said, he had stolen from a clothes line in Atmore.

Apparently disgruntled because they had been denied Christmas paroles, 29 convicts at the Atmore State Prison Farm early yesterday morning overpowered and disarmed three guards, and later shot one farmer to death and wounded another when they tried to stop them.

Late last night, according to W. F. Feagin, chairman of the Board of Administration, five of the desperadoes had been captured, and scores of men, with 42 bloodhounds, were combing forest and field to stop the flight of the others.

Grover Kirby and Leon Parker, farmers who reside near the prison farm, were both reported to have been shot in the back by a group of eight negroes after they had commanded the convicts to turn back.

Kirby died an hour and a half later at an Atmore hospital. He had been shot in the abdomen. Parker, who was taken to a Century, Fla., hospital, was said to have received eight BB shot in his back and several in the arm. His condition was not considered critical.

The convicts who had been recaptured last night were: Tressie Lee Kornegay, sentenced from Tuscaloosa County Sept. 15, 1929, for 12 to 16 years on a charge of grand larceny; Eric Crosley, sentenced from Covington County Oct. 8, 1932, for six years, eight months to 10 years on a charge of second degree murder; Homer Ulrich, sentenced from Lee County May 10, 1933, for 30 to 36 months on a charge of burglary; L. Miller, sentenced from Mobile County on Jan. 20, 1932, for six years to 12 years and six days on a charge of receiving stolen property, and Mose Avery, negro, sentenced from Jefferson County June 13, 1930, on a charge of first degree murder. Avery was believed to have been with the group responsible for the slaying and wounding of the farmers.

Carefully Planned

Mr. Feagin last night said he had been informed that the break for freedom occurred on the 8,360-acre farm at 7:36 a.m. among three squads of convicts which were separated by more than a mile, giving evidence that the move had been carefully planned. Each squad overpowered and disarmed its single guard, but in no case did all of the convicts seek to escape.

The eight negroes who were in the group stopped two hours and 24 minutes later by the two farmers had been in a squad of 30, all negroes, while there were 26 white convicts in each of the other squads. All were fully a mile from the prison barracks when the break was made.

From the guards, who were but slightly injured, the escaping convicts obtained two loaded shotguns, four shotgun shells, several pistol cartridges, and two loaded pistols. They then separated into groups and fled in several directions.

About 10 a.m. officials were informed here, the two farmers saw seven or eight of the fleeing negroes and turned to run to their homes for arms. When they moved across the negroes' path, however, one of the convicts opened fire upon them and both men fell. The shots, it was understood, were fired from a distance of about 75 to 150 yards.

Second Shooting Reported

Early Associated Press reports from Atmore said also that three miles further north, the negroes shot and wounded Leon Fulmer and his 16-year-old son, but Convict Department executives said here later they had not been informed of this, and reports late were declared impounded.

Within a short time after word of the break had been received at the prison, a large number of guards formed a posse and began a search for the men. J. D. Samford, general farm superintendent, G. M. Taylor, head physician, and H. H. Stewart, assistant Convict Department director, were on the scene early in the day. About 42 bloodhounds from Atmore, Speigner, Wetumpka and Kilby Prisons were rushed there in trucks.

Meanwhile, Associated Press reports said, Chief of Police A. H. Brown, of Atmore, joined in the search, and a posse of sheriff's deputies was sent from Monroeville to prevent the desperadoes from escaping in that direction.

Mr. Feagin here last night said he had been unable to learn officially what had caused the break for liberty, but that it was rumored that dissention had been created because some of the men had been denied paroles at Christmas. He added, however, that those participating were not entitled to a parole, as they had either been serving time less than two years or had bad records of conduct. Mr. Feagin explained that paroles were granted on the merit system and that no exceptions were made to this ruling. No paroles are granted before a convict has served two years.

10 ALABAMA CONVICTS ARE STILL AT LARGE

MONTGOMERY, Ala., Jan. 1.—(AP) The fourth day of Alabama's manhunt for the 29 convicts who escaped from Atmore prison last Friday found 18 behind the bars tonight as searchers pressed forward for the missing ten—among them Friend Simmons, Marengo county negro charged by officers with killing Grover Kirby, Atmore farmer who sought to arrest a band of the fleeing convicts.

The latest group recaptured included Louis Brown, Mobile negro, alleged to have participated in the exchange of shots that killed Kirby and wounded his companion, Leon Parker, a farmer.

Another Suspect Held In Slayings

Clayton Hart Arrested At End Of Long Grilling Of Two Men Already Jailed

ANDALUSIA, ALA., March 7.—(Special)—Developments in the Hicks-Longmier murder mystery took a rapid turn here today following a grilling given Hunter Thompson, prominent Covington planter, and Code Henley, his neighbor and a defendant in the Covington liquor conspiracy case.

Chief among the developments of the day was the arrest of Clayton Hart, who resides in the North Creek community. Hart, according to J. M. Shields, chief of staff of special agents for the Department of Justice, prohibition division, for the Middle District of Alabama, is "suspected of being one of the principals in the killing."

Rumors were current here today that Thompson and Henley had broken under the questioning of officers who were said to have confronted them with conflicting points in the alibi that each claimed, but Agent Shields declined to discuss any statements made by Thompson or Henley.

He indicated that other arrests might follow that of Hart, stating that, from the information at hand, the officers believed that at least four men had a part in the gruesome slaying on the bank of a creek near Watkins Bridge on Feb. 26.

"From the information in hand," Mr Shields said, "we are led to believe that the primary motive for the killing lies in the fact that Hicks and Longmier were in close proximity to a big still being operated in the swamp and nearly 1,000 gallons of liquor were concealed in the swamp."

"Another possible motive," Mr. Shields said, "lies in the fact that Henley is a defendant in the Government's case against 18 persons in Covington County in which they are charged with conspiracy to violate the prohibition law."

Agent Shields made clear, however, that the fullest cooperation had been given the Federal officers by Sheriff Tom Gantt, also a defendant in the conspiracy case, and his officers.

"Sheriff Tom Gantt and his officers have given us the fullest cooperation throughout this investigation," he said.

The arrest of Hart brings the total number arrested to five. Cleve Howard and Walter Brundidge, the latter a negro, were the first arrested. They were taken to Montgomery for safekeeping following a confession of knowledge of certain circumstances preceding and following the shooting, officers reported. They are charged with violation of the prohibition law, which is said to have resulted from their admission that they were operating the still, which was about a quarter of a mile from the place where Hicks and Longmier were slain. Both men were reported to have heard the shots.

Carl Hicks, a former deputy sheriff of Covington County, and his brother-in-law, Marvin Longmier, were slain as they were fishing from the bank of the creek. Several charges of buckshot from a .12 gauge gun and charges from a .410 gauge gun were fired into their bodies. The hour of the shooting was fixed by residents in that section at around 11 a.m. Sunday, Feb. 26. The bodies were found by officers the next morning while friends and relatives were searching for them near the Watkins Bridge.

The new Reichstag will receive from the Government an emergency decree which will be of constitution-changing nature.

Through a statement distributed by German agencies, foreign correspondents were warned today that expulsion measures were pending against those "who persistently misrepresented the internal situation."

The statement said the Government was preparing energetic measures against those who, it considers, are expressing ill-will in their dispatches. The statement asserted that a number of correspondents had fled to escape police measures and that the visas of others would become revocable if disapproved practices continued.

Correspondents remaining in Germany who are showing "ill-will" were placed on two months probation pending recurrence of "misrepresentation, ill-will and double meaning."

The statement did not name the correspondents in question. A cursory check failed to reveal any general journalistic exodus.

FLEEING CONVICTS MURDER FARMER ON ALABAMA ROAD

One Other Wounded as Pair Seek To Check Flight of Negroes After 29 Escape Atmore Farm.

ATMORE, Ala., Dec. 29.—(AP)—Posses pushed north tonight on the trail of a band of desperate, heavily armed negro convicts, who participated in a break of 29 from Atmore state prison early today and later killed one man and wounded another who sought to apprehend them.

Six of the escapees had been captured tonight, four white men and a negro, near here and a fifth white man in Mobile, leaving 23 at large, the group headed toward Monroeville apparently being the most desperate and better armed.

Grover Kirby, a farmer living half a mile north of the 8,000-acre prison farm, was killed and a companion named Parker seriously hurt when they sought to capture the group of negroes, believed seven in number.

Reports that Lon Fulmer and his 16-year-old son were later wounded by the same group, three miles from the prison, proved unfounded tonight. Details of the break were kept closely guarded at the prison and rumors flew thick and fast here.

The report of the Fulmers being shot apparently grew out of word of mouth passing of meager details concerning the shooting of Kirby and Parker.

Kirby and Parker were shot after they had armed themselves and sought to apprehend the group, one of whom, armed with a pistol wrested from a prison guard, opened fire. Parker was first reported probably fatally wounded, but from a Century, Fla., hospital tonight he was reported in no danger.

As the negroes fled north after shooting the two men, they carried with them the shotguns the farmers had obtained to apprehend them.

The break was from three squads, eight negroes fleeing from a squad of 30, and 21 white men breaking from two squads of 25 each, leaving 53 behind to administer to the overpowered and disarmed guards and give the alarm.

The break, apparently well-planned and executed with precision, occurred shortly after the prisoners had been taken to the fields to work.

The three squads moved simultaneously, according to reports, overpowering their guards, disarming them and fleeing. None of the guards was hurt badly.

The convicts took two pistols and two shotguns with four shotgun shells and several cartridges for the smaller weapons.

This is the first large break from the prison farm here, where only moderate fences make the boundary except about the wooden stockade where convicts are housed at night.

The farm covers 8,000 acres and more than 1,000 prisoners are confined here, approximately 800 of them serving long terms for felonies.

14 Caught In Atmore Break; Negro Slayer Still At Large

With 14 recaptured of the 28 convicts who escaped from the Atmore State Prison Farm Friday morning after overpowering and disarming their guards, prison authorities late last night were continuing with unrelenting vigor, the search for the remaining fugitives, including three negroes one of whom is believed to be the slayer of Grover Kirby, Escambia County farmer, who was shot and mortally wounded when he tried to intercept the flight of a group of fleeing prisoners soon after the wholesale escape occurred.

The three negroes among whom numbered, authorities seem certain, the murderer of Kirby, are Friend Simmons of Marengo County, Louis Brown, of Mobile and James Washington, of Jefferson. Suspicion points most strongly toward Simmons as the actual killer, it is understood.

Herman Lewis another Mobile negro who accompanied Simmons, Brown and Washington at the time of the escape but who later separated from them, is one of the 14 prisoners recaptured. He claims, it is said, that though he took the gun away from the guard at the time of the escape, he afterwards turned it over to one of the other negroes. Lewis was armed when captured, with a pistol taken from the guard together with the shotgun.

After one of the fleeing negro prisoners had shot and mortally wounded Mr. Kirby, his shotgun was appropriated. It was found yesterday in a shack near Brewton where it had been left some time during the night. The fact that Kirby was killed with the shotgun taken from the guard was established when it was found his wounds were by BB shot, the same size shot as those with which the guard's gun was loaded.

Last night, H. H. Stewart, Assistant to the Director of the State Board of Administration, who is in charge of the hunt for the "escapes" said 35 men and four separate packs of trailing dogs are being constantly employed in the search which he is directing from the Atmore Prison. In addition he has a squad of guards working directly out of the prison answering all calls and bring information as to the possible whereabouts of any of the men still being sought.

At 9 o'clock last night, a detail of searchers had just left the prison to investigate a report that three negroes answering the description of the negroes Simmons, Brown and Washington, had been seen near Beatrice, Ala.

In addition to the 14 escapes from Atmore recaptured, the drag-net spread by prison official yesterday closed around William Brown, a negro convict, who escaped from the road camp at Whitney, about a week ago.

The 14 from Atmore recaptured are: Chessie Lee Kornegay, Tuscaloosa County; Theo Dickey, Bibb, L. Miller, Mobile; Homer Uldric, Lee; Eric Crosby Covington; Ted Abbott, Shelby; William Belton Beard, Madison; Louis O. Crumpler, Montgomery and Edward King, Cullman, all white men; also Moss Avery, Jefferson, Louis King, Montgomery; Herman Lewis, Mobile; Ed Brown Jefferson; Christopher Echols, Jefferson negroes.

Those still at large, both white and negroes, follow: White: Audrey Pate Montgomery; Earl Brown, Montgomery; J. D. Armstrong, Etowah; C. T. Burgess, Jefferson; Dewey Kirby, Jackson; Burrell Norwood, Baldwin; Albert Dykes Jefferson; Robert Lee Fuell, Limestone; Horace Cornet, Jefferson; James Winters, Tuscaloosa; S. C. Cameron, Barbour. Negroes: James Washington, Jefferson: Louis Brown, Mobile; Friend Simmons, Marengo.

Killings- 1933

Alabama

WUMAN KILLED BY OFFICERS SATURDAY NIGHT

Birmingham

Mrs. Edna Davis, 913 North 16th St., was shot and instantly killed Saturday night by officers while at her home.

Various reports have been made on the killing, and more the investigation, the more tragic becomes the incident. Some reports say that the officers went to the home to make an arrest, and as they entered the room of Mrs. Edna Davis there were men and women there. All were ordered to lay flat upon the floor. Mrs. Davis refused to take the order, notwithstanding her husband insisted upon her all the time to obey the officers. She remonstrated, it is said, stating that she desired to put on her coat. When this was done, it is stated, two officers of the law fired two shots into her body, and she died almost instantly.

Other stories are to the effect that the woman scuffled with the officers resisted the arrest, made an effort to get a shot gun from under a bed, and in this attitude or disposition she was shot.

Reports further state that there were four of the officers, all securely armed, and not a Negro in the house was armed or in reach of any fire arms.

Nothing has stirred the people of Birmingham in recent months more than the killing of Mrs. Edna Davis. The general sentiment leads to the point that the tragedy might have easily been avoided. Some charges have been brought forward as to the reputation and character of Mrs. Davis; it is stated that she actually struck one of the officers twice when the attempt was made to arrest her.

Daily Worker 1-7-33

BIRMINGHAM, Ala., Jan. 3.—The barriers of race prejudice erected by the bosses to split and weaken the working class are increasingly crumbling as white and Negro workers of Birmingham respond in growing numbers to the preparations for the mass funeral of Cliff James and Mlio Bentley, two of the murdered leaders of the struggles of Tallapoosa County Negro croppers against starvation, landlord robbery of their crops and national oppression.

Mass Funeral Friday.

The mass funeral will be held on Friday from the Welsh Brother Funeral Home, where the bodies now lay in state visited daily by hundreds of white and Negro workers who pledge miltant support to the defense of the nine or more cropper leaders still held in jail.

Increasing protests made public here are directed jointly against the Alabama landlords and their police who initiated the terror and against the Negro reformist heads of Tuskagee Institute who betrayed Cliff James into the hands of the police and furnished the landlords with lying information for lynch incitement.

The hearing on the application by International Labor Defense attorneys for a writ of habeas corpus in the cases of the jaled croppers is set for Jan. 5.

* * *

Protest Meet in Norfolk.

NOFOLK, Va., Jan. 3.—Over 450 white and Negro workers met in the Gideon Hall on Churchc St., last night to protest the murder of Negro croppers by Alabama landlord-police gangs and demand the release of the arrested cropper leaders in a resolution sent to B. M. Miller of Alabama.

* * *

CLEVELAND, O., Jan. 3.— The Cleveland Divsion of the National Committee for Defense of Political Prisoners today wired a vigorous protest to Gov. B. M. Miller, Montgomery, Ala., condemning the reign of terror in Alabama and demanding the release of Negro croppers and exploited farmers arrested for the "crime" of defending themselves.

* * *

300 in Pittsburgh Demand Stop to Terror

PITTSBURGH, Pa., Jan. 3.—Three hundred Negro and white workers in a mass meeting Dec. 29 in Monumental Church unanimously adopted a resolution denouncing the landlord-police terror in Alabama. A copy of the resolution was ordered sent to Gov. B. M. Miller with a demand for the release of the arrested croppers, punishment of the murderous police, and disbanding of the armed posses

Mrs. JAMES TELLS MURDER STORY

Daily Worker 1-7-33

Vivid Picture of Negro Oppression in South

Birmingham.

BIRMINGHAM, Ala., Jan. 6.—The inside story of the bloody murders of Negro croppers by landlord-police gangs at Reeltown, December 19, was told today by Mrs. Hancy James, who, with Mrs. Gussie Bentley, came to Birmingham to attend the mass funeral held today for their murdered husbands, Cliff James and Milo Bentley, leaders of the Sharecroppers Union.

A vivid picture of the murderous national oppression of the Negro masses and the landlord robbery of the croppers of Alabama is contained in this simple statement of what took place. The story is in itself a challenge to the workers of the world to join in the struggle against the frightful oppression and exploitation of the Negro masses in the Black Belt. It is a call to all organizations to take part in the mass fight against murder and terror in Alabama which is being waged under the leadership of the International Labor Defense. The conditions described are those which are most intimately and inseparably connected with the fight for the lives and freedom of the Scottsboro boys, which is part of the fight for national liberation of the Negro people.

Statement of Mrs. Jam

Following is the statement of Mrs Nancy James, wife of Clifford James Negro farmer whose house was originally attacked, and who was turned over by Tuskegee Hospital officials to the sheriff's lynch-gangs, to die of infected wounds in Montgomery County jail:

"My husband, Clifford James, and I, were both born in Macon county and lived on farms in that part of the country all our lives. Cliff was 46 years old, and he was a sharecropper until seven years ago, when he bought a farm from T. M. Fuller for $1,600. Cliff did not have any money and W. S. Parker, who owns a general store in Notasulga, loaned the money and took a mortgage. The only other money that Cliff owed to Parker was $6 which Cliff had borrowed a few weeks before he was killed.

"Our stock consisted of two cows, two mules, two calves and a heifer.

Threats by Deputy

"Saturday, December 17, Cliff told me that the sheriff told him he was coming to take all of the stock. On Monday morning a deputy sheriff, Clifford Elder, came to the farm and walked over to my husband, who was at the woodpile. The deputy told him he came to get the stock. Cliff told him if he took the stock off the farm the family would all starve. We have seven children, from seven to eighteen years old. Ned Cobb came out of the house and pleaded with Sheriff Elder not to take the stock. Elder pulled his gun and threatened to shoot both of them. He couldn't scare them, so he said

"'I'm going to get the high sheriff and help, and come back and kill you all in a pile.'

"Cliff could see trouble coming, so he told me to take the children to a neighbor's house. I went to the home of John McMullen, about 200 yards away, and Mrs. McMullen and I watched my farmhouse from the window. My children continued to play with Mrs. McMullen's children in front of the house.

Shooting Starts

At about 1:30, Sheriff Elder and three others came to the gate and walked up to the house. They called for Cliff and Ned, who immediately came outside. Only a few words were spoken, but almost immediately Sheriff Elder pulled his gun and shot Ned Cobb in the hip. Then Cliff and Ned started to run away from the house, with the sheriffs shooting after them. The sheriffs began to shoot into the house, too, and some men in there returned the fire. All the sheriffs ran away and hid, and continued to shoot into the house. John McMullen was shot and killed as he was going towards his own home. Then the sheriffs began to shoot in all directions, and bullets were flying all around the McMullen home. Preston McMullen, the young son of John McMullen, was shot in the leg while in his front yard.

"I was awful scared, and I started down the road to the home of my brother, Judson Simpson, with bullets flying all around me. About 4:30, some men came to Simpson's home, beat his wife on the head with a pistol, and shot him twice while he was sitting in a chair. He was shot in the face and hip. One of the white men picked up an axe and was about to finish Judson off, but a white farmer stopped him. This white farmer also helped hide Judson away, but later Judson was arrested, and he is now in the county jail at Dadeville.

A Ruined Home

"I didn't go back to the house for several days. When I did go back I found all the stock had been taken away, and most of the food, and some clothes. The house was all torn up with bullets, and all the furniture was smashed and broken.

"I never saw Cliff alive again. But I was told that he had gone to see Dr. Eugene A. Dibble, of Tuskegee Hospital, who looked after the family when they were sick, for years. I found out too that while Dibble was pretending to look after Cliff's wounds, he sent a student to the sheriff's office, and a deputy came right over and took him to jail, where he died.

"My seven children are being taken care of by a relative. The farm has been taken away, and we are all left destitute.

"I want to thank the International Labor Defense for their help in fighting for the release of all the croppers, and for arranging the funeral in Birmingham. I want to call on all the workers of the South, both Negro and white, to join and support the International Labor Defense in its great fight for the Scottsboro boys and all the oppressed and persecuted Negro workers and poor farmers."

Demand Burk, Taylor Release.

BIRMINGHAM, Ala., Jan. 10.—Mass pressure of the workers is being mobilized here to support the appeals of Alice Burk and Wirt Taylor, organizers of the Local Unemployed Council. The two working class organizers were sentenced to six months' imprisonment and $100 fines for addressing a demonstration of 5,000 Negro and white unemployed workers before the Old Court House, Nov. 7. The appeals come up before Judge John McElroy in Circuit Court Jan. 13. Protests should be sent to Judge McElroy and the City Commission.

Terrorize Negro Women.

Investigation by an I. L. D. committee reveals the brutal murder here on New Year's Eve of Edna Davis, a Negro woman, by three policemen, Allen, Moser and Norrel. Testimony by Negro workers shows that the officers broke into the woman's home, ordered five Negroes to kneel, facing the wall, with hands raised. Miss Davis, who was putting on her stockings, was slow to respond to the order. Two of the officers hit her over the head with a blackjack and gun and flung her into a corner. Because she dared to protest against this brutal attack, she was shot dead by Moser and Norrel. Other Negro workers in the room were not permitted to render her assistance, but were kept kneeling with guns pointed at them.

This outrageous attack and murder has aroused such fierce indignation among the Negro masses here that the Birmingham Post has been forced to ask why three policemen could not arrest a woman without killing her. The Negro reformist press is also forced to reflect the indignation of the Negro masses.

Alabama's Peterson Case

World Tomorrow 2-8-33 Vol. XVI No. 6 New York N.Y.

John W. Altman, one of Alabama's ablest criminal lawyers, has been retained by the National Association for the Advancement of Colored People to defend Willie Peterson, twice sentenced to death on a charge of murdering a white woman, and shot while a prisoner in jail by the woman's brother. Peterson, a church member in good standing, never before in trouble, was suddenly seized on the street when one of the two women who had been shot pointed him out to the police as the Negro who had done the shooting. Peterson steadfastly denied his guilt, and his alibi supported by witnesses brought his first hearing to a mistrial. A second trial resulted in the death sentence.

Body Of Negro Fugitive Is Found Beside Tracks

Advertiser 3-7-33 Montgomery Ala.

The body of William Howard, negro, who was held here recently for Selma authorities, was reported yesterday to have been found near a railroad track near Union Springs. Police Lieut. W. S. Powell said he had been advised in a message that the negro had been robbed and killed and then thrown from the train.

Howard was held here for Selma officers in connection with a shooting there, but was later released. Lieut. Powell said fingerprint records showed the negro was an escaped prisoner from Florida, where he had been serving a term for grand larceny.

Death Promised Another Witness

Advertiser 3-2-33.

Negro Testifying In U. S. Case In Covington Flees Here Following Threats

Montgomery Ala.

While Sheriff Tom Gantt, of Covington County and his officers continued their search yesterday for the slayers of Carl Hicks, former deputy sheriff and a principal witness in the Covington liquor conspiracy case pending in the United States District Court, and his brother-in-law, Marvin Longmier, telephone lineman, it was learned that another witness in the conspiracy case was being held in the Montgomery jail.

The other witness, Will Jackson, negro, was placed in jail by order of Dist. Atty. Arthur B. Chilton about three weeks ago when he appeared in Montgomery and said his life had been threatened because of the testimony he had given in the conspiracy investigation.

Meanwhile Victor J. Buthod and A. G. McDuffie, crack investigators of the Department of Justice, prohibition division, pushed forward their inquiry into the circumstances leading up to the death of Hicks.

They are seeking to ascertain whether Hicks and his brother-in-law were slain in an effort to obstruct justice in the liquor conspiracy case and have been instructed to spare no effort of expense in clearing up the matter.

Dist. Atty. Chilton said yesterday that Hicks was regarded as an important witness in the conspiracy case against Sheriff Gantt, his brother, Deputy H. B. Gantt, and 16 others.

While Sheriff Gantt and his brother are involved in the conspiracy case, Dist. Atty. Chilton said, Hicks was not specifically a witness against them but was a witness against John Grimes, another defendant in the conspiracy case.

Mr. Chilton did not state whether the negro, Will Jackson, also was a witness against John Grimes.

Sheriff Gantt by telephone last night made known to The Advertiser that he had several clues, the nature of which he was not at liberty to reveal. His investigation thus far, he said, had led him to form the opinion that the murder was committed by white men and that he expected to make an arrest soon.

Separate Inquiries

Sheriff Gantt said thus far his investigation had been conducted apart from the inquiry being made by the Department of Justice agents as they had not solicited his aid. He stood ready, however, he said, to lend them every assistance. He said he was not ready yet to say what he believed to be the motive for the slaying of Hicks, but indicated he believed Hicks was the object of the assassin's revenge as it was evident he was slain before his brother-in-law.

Grimes, the sheriff said, has never held a commission as deputy in the Sheriff's office. He served for a short time as constable in Beat 9 near Florala, he said, while the regularly appointed constable was ill.

Sheriff Gantt said yesterday that the gun wadding found on the banks of a creek near Yellow River at the scene of the crime was not from a .16 gauge gun as at first reported, but was wad-

Alabama Killing Mystery Clears

Advertiser 3-7-33

Solution Believed Near As Two Make Confessions: Two Others Are Jailed

Montgomery Ala.

ANDALUSIA, ALA., March 6.—Solution of the gruesome slaying of Carl Hicks, former deputy sheriff and his brother-in-law, Marvin Longmier, was believed by members of the Sheriff's department to be a question of a few hours here tonight following the arrest of Hunter Thompson, prominent farmer and a relative of Hicks, and Code Henley, neighbor of Thompson.

Thompson and Henley reside in the North Creek community near the spot where Hicks and Longmier were slain, and their arrest followed confessions by Cleve Howard and Walter Grundy, the latter a negro, as reported by Federal agents here to their chief, J. M. Shields, in Montgomery.

Howard and Grundy were to be taken to Montgomery last night for safekeeping but heavy rainfall was said to have delayed the trip.

From Montgomery Mr. Shields announced that he would come to Andalusia tomorrow to participate in winding up the details of the case. Howard and Grundy, he said, admitted knowledge of circumstances leading to the slaying of Hicks and Longmier but their confessions, it was reported, did not implicate them directly with the slaying.

Deny Killing Knowledge

Thompson and Henley on the other hand have denied any knowledge of the killing. Asked to explain possession of some .410 caliber shotgun shells in his home—the same caliber as one of the guns used in the slaying—Thompson was said by officers here to have admitted owning a .410 caliber gun but declared it had been stolen from him about two weeks before the slaying on Feb. 26.

The seizure of a 200-gallon still about one-fourth of a mile from the scene, developed a new angle in the killing. This afternoon Sheriff Gantt and his officers with A. G. McDuffie and Victor J. Buthod, special agents of the United States Department of Justice, prohibition division, unearthed 750 gallons of rye liquor one-half mile from the spot where the bodies were found.

Officers said the still was on Thompson's land and gave evidence of recent operation. Officers declined to say whether or not the confession revealed that the still was in operation at the time that Hicks and Longmier were slain, or whether or not Thompson and Henley were present at the time.

Henley is one of 18 defendants in the Covington liquor conspiracy case but whether or not the killing of the two men had any connection with charges against Henley in the case was not disclosed by officers.

Thompson was reported to be a cousin of Hicks and a brother of Hicks married Thompson's sister.

Solicitor Robert Reid announced last night that he expected to call a special session of the Grand Jury in a few days. He declined to say in what way if any, the confession of Howard and Grundy implicated Thompson and Henley or whether or not Howard and Grundy had witnessed the actual slaying of the two men. He declined to comment on a report that Howard and Grundy had admitted being at the still and hearing the shots.

Solicitor Reid indicated that other arrests were to be made.

With officers tight-lipped the motive for the killing of Hicks and Longmier remained a mystery last night. Some advanced the theory that probably Hicks was suspected of having accidentally gained knowledge of the operation of the still.

Sheriff Gantt and his force with the Federal agents have worked day and night on the case since the bodies of Hicks and Longmier were found on the bank of a creek last Monday. They had been slain by charges fired from a 12-gauge shotgun loaded with buckshot and from a .410 gauge gun.

Hicks and Longmier had driven 20 miles on Sunday morning to the Yellow River to go fishing and when they did not return relatives and friends began a search near the Watkins bridge.

Pair Questioned In Dual Slaying

Advertiser 3-4-33 Montgomery Ala.

Farmer, Negro Arrested As Authorities At Andalusia Push Probe Of Murders

ANDALUSIA, ALA., March 3—(Special)—As a sidelight of the investigation of the murder of Carl Hicks and Marvin Longmier, the resignation of Walker Thomas, popular policeman of Andalusia, was requested here tonight by the Chief of Police. Agents of the Department of Justice here it was learned, requested the Mayor and Chief of Police to assign Thomas with them in the investigation as they considered Thomas an able and competent officer. The request was refused. The Chief of Police, it was reported gave no reason for the discharge of Thomas, but it was reported that it resulted from the agent's request for his aid in the investigation. Thomas informed the agents after his discharge that he was at liberty to assist them.

ANDALUSIA, ALA., March 3.—(Special)—The State and Federal hunt for the slayers of Carl Hicks, former deputy sheriff and witness in the Covington liquor conspiracy case and his brother-in-law, Marvin Longmier, took a new turn here today with arrest of two men for questioning.

Coincident with the arrest of the two men, A. G. McDuffie and Victor J. Buthod, ace investigators of the U. S. Department of Justice, prohibition division, announced last night that the investigation thus far had not revealed the slightest evidence of any connection between the brutal murders and the liquor conspiracy case.

They made clear also that the full cooperation of Sheriff Tom Gantt, a defendant in the conspiracy case, and his officers had been given them during their search. Officers of the sheriff's department and the Federal investigators worked together throughout today.

Their efforts resulted in the arrest of Cleve Howard, farmer of the North Creek community near where the crime was committed Sunday, and Walter Grundy, negro, who also lives near the scene of the crime.

Howard and Grundy were questioned at length during the afternoon and early tonight but officers declined to reveal the nature of the questioning. It was said that Howard denied being anywhere near the scene on Sunday morning and denied any knowledge that the crime had been committed.

Howard is an ex-convict, the records here showing that he served a sentence of 13 months in Kilby Prison for manufacturing liquor. He was sentenced in 1928, some time later escaped. He was captured and returned to serve his sentence.

It was learned tonight that Howard had been identified as the man who, shortly before the hour of the slaying, approached a man and woman whose truck was broken down near the Watkins Bridge and asked if they had seen a car pass with fishing poles tied to the side.

With the announcement by Agent McDuffie that nothing had been uncovered to indicate a connection between the liquor conspiracy case and the killing, speculation was rife here as to the motive for the killing. Officers are agreed that the motive was revenge and that Hicks apparently was the immediate object of such revenge as he was the first slain. Mrs. Hicks, on the other hand, has declared that her husband had no enemies that she knew about and said he had not had any trouble with anyone recently.

Officers also are agreed that the motive was not robbery as one of the men had more than $30 in his pockets and the other $40.

Officers this afternoon also procured a 12-guage shotgun which they believe is one of the weapons used in the slaying, but pending further developments declined to reveal where or how they obtained the gun.

The officers hinted that some interesting developments might be expected within a few hours.

The bodies of Hicks and Longmier were found Monday on the banks of a creek near Yellow River. They apparently had been slain from ambush while they were fishing. A 12-guage shotgun and a 410-guage gun were used by the slayers.

Peterson Case To Ala. Supreme Court

Planet 3-4-33 Richmond Va.

Birmingham, Ala.—By common consent of all attorneys in the Willie Peterson case, the bill of exceptions will not be presented to the Alabama Supreme Court until the spring term, which convenes in April. Peterson was convicted at his second trial of killing a Birmingham society girl and wounding her companion in August, 1931. The first trial resulted in a hung jury. He is being defended by the Birmingham branch of the N.A.A.C.P. and a Birmingham citizens committee. The national office of the N.A.A.C.P. has contributed $500 to the defense fund.

Alabama's Peterson Case

John W. Altman, one of Alabama's ablest criminal lawyers, has been retained by the National Association for the Advancement of Colored People to defend Willie Peterson, twice sentenced to death on a charge of murdering a white woman, and shot while a prisoner in jail by the woman's brother. Peterson, a church member in good standing, never before in trouble, was suddenly seized on the street when one of the two women who had been shot pointed him out to the police as the Negro who had done the shooting. Peterson steadfastly denied his guilt, and his alibi supported by witnesses brought his first hearing to a mistrial. A second trial resulted in the death sentence.

Body Of Negro Fugitive Is Found Beside Tracks

The body of William Howard, negro, who was held here recently for Selma authorities, was reported yesterday to have been found near a railroad track near Union Springs. Police Lieut. W. S. Powell said he had been advised in a message that the negro had been robbed and killed and then thrown from the train.

Howard was held here for Selma officers in connection with a shooting there, but was later released. Lieut. Powell said fingerprint records showed the negro was an escaped prisoner from Florida, where he had been serving a term for grand larceny.

Death Promised Another Witness

Negro Testifying In U. S. Case In Covington Flees Here Following Threats

While Sheriff Tom Gantt of Covington County and his officers continued their search yesterday for the slayers of Carl Hicks, former deputy sheriff and a principal witness in the Covington liquor conspiracy case pending in the United States District Court, and his brother-in-law, Marvin Longmire, telephone lineman, it was learned that another witness in the conspiracy case was being held in the Montgomery jail.

The other witness, Will Jackson, negro, was placed in jail by order of Dist. Atty. Arthur B. Chilton about three weeks ago when he appeared in Montgomery and said his life had been threatened because of the testimony he had given in the conspiracy investigation.

Meanwhile Victor J. Bu[illegible]od and A. G. McDuffie, crack investigators of the Department of Justice, prohibition division, pushed forward their inquiry into the circumstances leading up to the death of Hicks.

They are seeking to ascertain whether Hicks and his brother-in-law were slain in an effort to obstruct justice in the liquor conspiracy case and have been instructed to spare no effort of expense in clearing up the matter.

Dist. Atty. Chilton said yesterday that Hicks was regarded as an important witness in the conspiracy case against Sheriff Gantt, his brother, Deputy H. B. Gantt, and 16 others.

While Sheriff Gantt and his brother are involved in the conspiracy case, Dist. Atty. Chilton said, Hicks was not specifically a witness against them but was a witness against John Grimes, another defendant in the conspiracy case.

Mr. Chilton did not state whether the negro, Will Jackson, also was a witness against John Grimes.

Sheriff Gantt by telephone last night made known to The Advertiser that he had several clues, the nature of which he was not at liberty to reveal. His investigation thus far, he said, had led him to form the opinion that the murder was committed by white men and that he expected to make an arrest soon.

Separate Inquiries

Sheriff Gantt said thus far his investigation had been conducted apart from the inquiry being made by the Department of Justice agents as they had not solicited his aid. He stood ready, however, he said, to lend them every assistance. He said he was not ready yet to say what he believed to be the motive for the slaying of Hicks, but indicated he believed Hicks was the object of the assassin's revenge as it was evident he was slain before his brother-in-law.

Grimes, the sheriff said, has never held a commission as deputy in the Sheriff's office. He served for a short time as constable in Beat 9 near Florala, he said, while the regularly appointed constable was ill.

Sheriff Gantt said yesterday that the gun wadding found on the banks of a creek near Yellow River at the scene of the crime was not from a .16 gauge gun as at first reported, but was wad-

Alabama Killing Mystery Clears

Solution Believed Near As Two Make Confessions; Two Others Are Jailed

ANDALUSIA, ALA., March 6.—Solution of the gruesome slaying of Carl Hicks, former deputy sheriff, and his brother-in-law, Marvin Longmire, was believed by members of the Sheriff's department to be a question of a few hours here tonight following the arrest of Hunter Thompson, prominent farmer and a relative of Hicks, and Code Henley, neighbor of Thompson.

Thompson and Henley reside in the North Creek community near the spot where Hicks and Longmier were slain, and their arrest followed confessions by Cleve Howard and Walter Grundy, the latter a negro, as reported by Federal agents here to their chief, J. M. Shields, in Montgomery.

Howard and Grundy were to be taken to Montgomery last night for safekeeping but heavy rainfall was said to have delayed the trip.

From Montgomery Mr. Shields announced that he would come to Andalusia tomorrow to participate in winding up the details of the case. Howard and Grundy, he said, admitted knowledge of circumstances leading to the slaying of Hicks and Longmier but their confessions, it was reported, did not implicate them directly with the slaying.

Deny Killing Knowledge

Thompson and Henley on the other hand have denied any knowledge of the killing. Asked to explain possession of some .410 caliber shotgun shells in his home—the same caliber as one of the guns used in the slaying—Thompson was said by officers here to have admitted owning a .410 caliber gun but declared it had been stolen from him about two weeks before the slaying on Feb. 26.

The seizure of a 200-gallon still about one-fourth of a mile from the scene, developed a new angle in the killing. This afternoon Sheriff Gantt and his officers with A. G. McDuffie and Victor J. Bumthod, special agents of the United States Department of Justice, prohibition division, unearthed 750 gallons of rye liquor one-half mile from the spot where the bodies were found.

Officers said the still was on Thompson's land and gave evidence of recent operation. Officers declined to say whether or not the confession revealed that the still was in operation at the time that Hicks and Longmier were slain, or whether or not Thompson and Henley were present at the time.

Henley is one of 18 defendants in the Covington liquor conspiracy case but whether or not the killing of the two men had any connection with charges against Henley in the case was not disclosed by officers.

Thompson was reported to be a cousin of Hicks and a brother of Hicks married Thompson's sister.

Solicitor Robert Reid announced last night that he expected to call a special session of the Grand Jury in a few days. He declined to say in what way if any, the confession of Howard and Grundy implicated Thompson and Henley or whether or not Howard and Grundy had witnessed the actual slaying of the two men. He declined to comment on a report that Howard and Grundy had admitted being at the still and hearing the shots.

Solicitor Reid indicated that other arrests were to be made.

With officers tight-lipped the motive for the killing of Hicks and Longmier remained a mystery last night. Some advanced the theory that probably Hicks was suspected of having accidentally gained knowledge of the operation of the still.

Sheriff Gantt and his force with the Federal agents have worked day and night on the case since the bodies of Hicks and Longmier were found on the bank of a creek last Monday. They had been slain by charges fired from a 12-gauge shotgun loaded with buckshot and from a .410 gauge gun.

Hicks and Longmier had driven 20 miles on Sunday morning to the Yellow River to go fishing and when they did not return relatives and friends began a search near the Watkins bridge.

Pair Questioned In Dual Slaying

Farmer, Negro Arrested As Authorities At Andalusia Push Probe Of Murders

ANDALUSIA, ALA., March 3—(Special)—As a sidelight of the investigation of the murder of Carl Hicks and Marvin Longmier, the resignation of Walker Thomas, popular policeman of Andalusia, was requested here tonight by the Chief of Police. Agents of the Department of Justice here it was learned, requested the Mayor and Chief of Police to assign Thomas with them in the investigation as they considered Thomas an able and competent officer. The request was refused. The Chief of Police, it was reported gave no reason for the discharge of Thomas, but it was reported that it resulted from the agent's request for his aid in the investigation. Thomas informed the agents after his discharge that he was at liberty to assist them.

ANDALUSIA, ALA., March 3.—(Special)—The State and Federal hunt for the slayers of Carl Hicks, former deputy sheriff and witness in the Covington liquor conspiracy case and his brother-in-law, Marvin Longmier, took a new turn here today with arrest of two men for questioning.

Coincident with the arrest of the two men, A. G. McDuffie and Victor J. Buthod, ace investigators of the U. S. Department of Justice, prohibition division, announced last night that the investigation thus far had not revealed the slightest evidence of any connection between the brutal murders and the liquor conspiracy case.

They made clear also that the full cooperation of Sheriff Tom Gantt, a defendant in the conspiracy case, and his officers had been given them during their search. Officers of the sheriff's department and the Federal investigators worked together throughout today.

Their efforts resulted in the arrest of Cleve Howard, farmer of the North Creek community near where the crime was committed Sunday, and Walter Grundy, negro, who also lives near the scene of the crime.

Howard and Grundy were questioned at length during the afternoon and early tonight but officers declined to reveal the nature of the questioning. It was said that Howard denied being anywhere near the scene on Sunday morning and denied any knowledge that the crime had been committed.

Howard is an ex-convict, the records here showing that he served a sentence of 13 months in Kilby Prison for manufacturing liquor. He was sentenced in 1928, some time later escaped. He was captured and returned to serve his sentence.

It was learned tonight that Howard had been identified as the man who, shortly before the hour of the slaying, approached a man and woman whose truck was broken down near the Watkins Bridge and asked if they had seen a car pass with fishing poles tied to the side.

Within a few hours. The bodies of Hicks and Longmier were found on the banks of a creek near Yellow River. They apparently had been slain from ambush while they were fishing. A 12-guage shotgun and a 410-guage gun were used by the slayers.

Officers this afternoon also procured a 12-guage shotgun which they believe is one of the weapons used in the slaying, but pending further developments declined to reveal where or how they obtained the gun.

The officers hinted that some interesting developments might be expected

Hicks apparently was the immediate object of such revenge as he was the first slain. Mrs. Hicks, on the other hand, has declared that her husband had no enemies that she knew about and said emphatically he had not had any trouble with any one recently.

Officers also are agreed that the motive was not robbery as one of the men had more than $30 in his pockets and the other $40.

Peterson Case To Ala. Supreme Court

Birmingham, Ala.—By common consent of all attorneys in the Willie Peterson case, the bill of exceptions will not be presented to the Alabama Supreme Court until the spring term, which convenes in April. Peterson was convicted at his second trial of killing a Birmingham society girl and wounding her companion in August, 1931. The first trial resulted in a hung jury. He is being defended by the Birmingham branch of the N.A.A.C.P. and a Birmingham citizens committee. The national office of the N.A.A.C.P. has contributed $500 to the defense fund.

Killings-1933

Shiner Double Murder And Give Details

Adventure

Brutal Slayings Charged To Fear Mammoth Still Might Have Been Found

2-10-33

No Mercy Shown

Montgomery, Ala.

'They Shouldn't Have Been Out Fishing On Sunday,' Covington Officers Told

ANDALUSIA, ALA., March 9—(Special)—Hunter Thompson, farmer of the North Creek community, and Code Henley, his neighbor, early this morning told Sheriff Tom Gantt how they had engaged Carl Hicks, former deputy sheriff, in friendly conversation on the bank of Nelson Creek and had shot off the top of his head when he turned his back to flip a hook into the stream.

They told how Marvin Longmier Hicks's brother-in-law, had been shot down a second afterward as he stood with arms upraised and terrified at the spectacle he beheld.

They explained to the officers that they decided to kill Hicks because they were afraid he might gain knowledge of the giant still in operation a quarter of a mile away and report the still to the authorities.

They had nothing against Longmier, they said—barely knew him. He was killed, they said to seal his lips as a witness to the crime.

Solicitor Robert Reid heard the confession. He announced that a special term of court would be sought at once and it is probable that a special Grand Jury will be organized within the next week.

No Violence Threatened

While citizens of Covington County generally were indignant that such a crime had been committed after news of the confession leaked out, Sheriff Gantt said that he did not anticipate any mob violence, and that he believed the announcement by Solicitor Reid that a speedy trial would be given would meet the wishes of the people.

Two other confessions were obtained. These came from Clayton Hicks, nephew of the slain man and also a nephew of Hunter Thompson and from Cleo Thompson, brother of Hunter Thompson.

Adventure

They told officers how they "spotted" Hicks and Longmier near the still and after notifying Hunter Thompson and Henley, took them to a place near the Watkins Bridge. They drove on off a piece, then, they said, and returned a few minutes after hearing the shots, picked up Hunter Thompson and Henley and took them to the home of Walter Brundidge, negro, where the negro was given the guns to clean and dispose of.

3-10-33

Had Been Waiting for Hicks

Cleo Thompson told officers that Hunter Thompson had asked him to let him know at once if he ever spied Carl Hicks down in that section. Hunter Thompson he said, was afraid Hicks would get him into trouble about the still.

Montgomery, Ala.

On Sunday morning, Feb. 26, he said he and Clayton Hicks saw Carl Hicks and Marvin Longmier pass along the highway that leads to Watkins Bridge. They had fishing poles tied to his car. Cleo told officers he and Clayton followed in Cleo's car as far as Watkins Bridge but there they lost sight of the car. There they saw Mr. and Mrs. C. J. Hester and Miss Clipper, niece of Mr. Hester, all of McKenzie, and inquired of them if they had seen a car pass with fishing poles tied to the side.

They were told that the car turned off at the far end of the bridge and went down beside the river.

Cleo said he and Clayton then drove back to Hunter Thompson's home. Code Henley was at the home of Hunter Thompson, having spent the night there. They were told that Hicks had gone down by the river.

Each Obtain Gun

Hunter Thompson and Code Henley, he said, each obtained a gun. Hunter Thompson holding the .12 gauge gun and Henley the .410 gauge gun. Both guns, he said, belonged to Hunter Thompson.

Cleo said he drove them to near the Watkins Bridge where Hunter Thompson and Code Henley got out and he and Clayton drove on up the road a piece. After they heard the shots, he said, they drove back to near the bridge where they picked up Hunter Thompson, and Henley and drove them to the home of Walter Brundidge, the negro tenant.

The confessions of Henley and Hunter Thompson jibed in virtually every detail, officers said. Hunter Thompson and Henley were both present when the confession was taken down.

After leaving Cleo's car, they said, they found Hicks's car.

"We had better fix it so it won't run in case they get away," Henley told officers he observed.

Hunter Thompson, he said, asked him how he could do it, and Henley replied: "By taking the wires off the spark plugs."

They raised the hood, they said, but in some manner the hood slipped and fell against the sides with a bang.

Alabama.

Heard By Hicks

Hicks, fishing in the stream a short distance away, they said, heard the noise and whistled. He apparently thought, they said, that it was somebody looking for him and his brother-in-law.

Thompson and Henley told how they went down to the stream where they found Hicks alone and fishing.

"Having any luck?" Thompson said he asked.

"No," Hicks replied.

"Who's with you?" Thompson said heing inquired.

"My brother-in-law. Marvin Longmier," Hicks replied. Longmier, he said, was fishing upstream about 200 yards.

"Tell Longmier to come up here," Thompson said he requested.

Hicks called Longmier who came up to where the trio waited. When Longmier came within about four feet of his brother-in-law, Hicks turned to flip his hook in the water.

At that moment, Thompson said, Henley, standing about ten feet away, raised the .410 gauge gun and fired on Hicks. Longmier, he said, raised his hands and cried, "Oh, Carl! Oh, Carl!"

Thompson said at that moment he shot Longmier down.

Longmier Killed

Henley also raised his gun and fired on Longmier after he had fallen just to make sure that he would die, he said.

And Thompson, in turn, fired into the inert form of Hicks, using the .12 gauge gun.

Thompson said he shot the men as many as five times. Henley said he shot only twice.

Thompson said he gave the .410 gauge gun to his brother, Rob Thompson meanwhile reporting that the gun had been stolen. The .410 gauge gun was recovered last night by officers, Rob Thompson leading them to a cave near the Yellow River where it had been hidden.

Henley explained that he "had been planning to kill Hicks for sometime for something he had done to me." He would not say, however, what Hicks had done to him.

Thompson made clear that his motive was to prevent Hicks from "turning him up."

He placed the blame for Hicks's death upon Hicks himself.

"If Hicks hadn't been slipping around down here," he told the officers, "he would have saved his life and the life of an innocent man."

After the confessions had been taken about 3:30 o'clock this morning, Thompson told the officers that he believed in observing the Sabbath day.

Fishing On Sunday

"Hicks hadn't ought to have been down there fishing on Sunday," he said, "it's wrong to fish on Sunday."

Thompson, according to Agent Shields who took his confession, made his confession without any show of remorse or regret for the crime, remarking that "I guess I'll get death for this."

Henley, Agent Shields said, was the first to confess and boasted that "his nerve was as cool as it ever was."

Thus closes the story of an investigation into what officers declare to be one of the most sensational and diabolical crimes in Covington County's history—an investigation which began on Monday, Feb. 27, when the bodies of Hicks and Longmier were found by a searching party. The unraveling of the mystery brought into force the entire resources of the sheriff's department combined with the expert criminal knowledge of some of the most able investigators of the U. S. Department of Justice, including J. M. Shields, chief of the staff for the prohibition division of the middle district of Alabama; Victor J. Buthod, former director of prohibition activities for the middle district, and A. G. McDuffie, rated as one of the most able men in the service.

Federal Investigation

Agents of the prohibition division, Department of Justice, were drawn into the investigation to ascertain whether or not the slaying of Hicks was the outgrowth of any effort to defeat the ends of justice in the Covington liquor conspiracy case, now pending in the U. S. District Court. Hicks was a witness against one of the 18 defendants in the case, among whom is Henley. He was not a witness against Henley specifically, however, it was said.

After an investigation of a few days the agents announced that nothing had been uncovered to reveal that the killing had any connection with the conspiracy case and highly praised the work of Sheriff Tom Gantt, a defendant in the case, and his officers.

First intimation of the motive for the killing was given in confessions obtained from the negro, Walter Brundidge, and Cleve Howard, both of whom worked for Hunter Thompson. Brundidge and Howard said they had been operating the still that Sunday morning and together left the still to go home. At around 11 o'clock they said they heard five or six shots down on the creek while they were en route home.

Howard said when he reached Hunter Thompson's home he saw that Hunter Thompson's car and Code Henley's car were both at Thompson's house. He said Mrs. Thompson said Henley and Hunter Thompson had gone off with Cleo Thompson in Cleo's car.

"Ran Off" Some Beer

That afternoon Hunter Thompson told him, Howard said, to go down to the still and run off some more beer. It was about 1 p.m. Sunday, he said. Howard said he remonstrated, saying the beer was "too green" and Thompson told him to run it off anyhow.

The next day he said he heard that Hicks and Longmier had been shot and he and Brundidge were told by Thompson to get the still out of the swamp. He said they turned over the beer and moved the still to Thompson's house.

The next day, Howard said, he mentioned Thompson's absence from the house on Sunday morning and Thompson told him to "forget about that."

"If you say anything about it," he said Thompson told him, "it means the grave for you."

Howard and Brundidge are held in Montgomery, where they are charged with violating the prohibition law.

Nine Now Held In Double Killing

Adventure

3-9-33

Clayton Hicks, Nephew Of Murdered Man, One Of Last To Be Arrested

Montgomery, Ala.

ANDALUSIA, ALA., March 8.—(Special)—Sheriff Tom Gantt and Federal Agents sifting the Hicks-Longmier murder mystery, were almost ready tonight to write "finis" to the first chapter in one of the most gruesome slayings in Covington County's history.

Activities of these officers during the day precipitated several surprises, among them the arrest of Clayton Hicks, 20-year-old nephew of Carl Hicks, one of the slain men, and a nephew of Hunter Thompson, also held as a suspect in the killing.

Three other men were taken into custody during the day, bringing the total to nine arrested since the investigation began 10 days ago.

The others arrested yesterday are:

Cleo Thompson, brother of Hunter Thompson, as designated by J. M. Shields, chief of the staff of special investigators of the United States Department of Justice, prohibition division, as a suspect in the slaying.

Alton Bulger, arrested as a material witness, and later released.

Bill Garrett, brother-in-law of Hunter Thompson, who also was arrested, questioned and released.

Prisoner Tries Suicide

Another development that caused a stir in town came when Hunter Thompson dosed himself with "rubbing alcohol" and slashed his head with a knife. Officers refused to confirm a report that Thompson had tried to commit suicide but admitted that such conduct on the part of a prisoner was somewhat unusual.

Special Agent Shields designated Hunter and Cleo Thompson, Code Henley and Clayton Hicks as the four principals suspected as having had a part, directly or indirectly, in the killing of the two men in the North Creek community on Feb. 26. He declined, however, to designate the men suspected of having actually fired the guns or to say whether a confession had been obtained from either of them.

The others are held, he made clear, either as material witnesses or for violation of the prohibition law in connection with operation of a still which was located about a quarter of a mile from where the men were slain.

Clayton Hicks is the son of a brother of the slain man and also is the son of the sister of Hunter and Cleo Thompson, two of the suspects, making him a nephew of Carl Hicks and a nephew of Hunter and Cleo Thompson.

Confession Guarded

Details of the first confessions obtained in the case—those of Cleve Howard and Walter Brundidge, the latter a

negro—have been closely guarded by Sheriff Gantt and the Federal agents, who include A. G. McDuffie and Victor J. Buthod, of Montgomery and Agent Price, of Jacksonville. Howard and Brundidge are held in the Montgomery jail on charges of violating the prohibition law and are said by officers to have been operating a still at the time Hicks and Longmier were slain.

Agent Shields said last night that Clayton Hart, who was taken into custody yesterday, probably would be held on a charge of violating the prohibition law. Later developments, he said, have indicated that he was not a principal in the killing.

Agent Shields also indicated that information thus far did not connect Clayton Hicks as being one of the men who pulled the triggers on guns that dealt death to his uncle, Carl Hicks, and Hicks's brother-in-law Marvin Longmier as they sat fishing on the creek bank near the Watkins Bridge. Clayton Hicks, the Agent indicated, was suspected of being an "accessory after the fact" or of concealing knowledge of the crime.

Just how many men fired on the pair, Agent Shields declined to say.

No Charges Preferred

It was announced that no formal charges would be preferred against those held as suspects in connection directly or indirectly with participation in the crime but that a special session of the Grand Jury would be requested by Solicitor Robert Reid, to investigate the killing and prefer whatever charges it deems fit.

The request for a Grand Jury session, it was said, probably will be made within the next day or two.

Solicitor Reid was at the jail tonight while Agents continued to grill the suspects.

Sheriff Gantt's forces from information gained during the investigation tonight, found an additional 60 gallons of rye liquor not far from the spot where the men were slain, making a total of about 800 gallons found since the investigation started. The officers also found 36 barrels of mash.

HIGH COURT TO HEAR PETERSON CASE IN APRIL---AID NEEDED

According to information from the attorneys representing Willie Peterson, his case will be heard before the Supreme Court of Alabama in April, this year.

The story of the trial and conviction of Willie Peterson has been told many times through the press, in the courts, from the pulpit, and from the street corners.

Peterson is a Negro man between 30 and 40 years of age. He was charged with the murder of a young white woman on one of the mountains in the vicinity of Birmingham, several miles from his home, and in what is regarded as an exclusive section of the city. The crime was committed in August, 1931, and various rumors have been going the rounds from that day until this.

At the time of the murder Willie Peterson, it is alleged, was under the care of a physician, being in very poor health, and it was stated by colored and white witnesses on the stand that they saw Peterson in and about his home the day and hour of the crime, and that it was physically impossible for him to walk as much as a block at a time without giving out.

The jury in the first trial failed to reach a verdict after 44 hours, and a mistrial was entered. On the second hearing Peterson was convicted, and sentenced to the electric chair.

While in the custody of officers and during an examination by the County Solicitor in the presence of the High Sheriff, with members of the family of the slain girl; Willie Peterson continued to deny his guilt. He pled to the officers that the young lady was mistaken in her identification of him as the person who committed the crime, and while sitting there in his cell being examined, he was shot three times by Dent Williams, the brother of the slain girl. While the blood oozed from his body he declared to them, all white, that they were killing an innocent man, stating that he knew nothing of the murder of Miss Augusta Williams, and that he had never seen the Williams until he was carried before them.

While Peterson is a Negro man of very poor circumstances, he was a soldier in the World War. He made his contribution to that struggle and returned home greatly impaired in health. He is a member of the Baptist Church, a deacon of that denomination. He is without funds, and being for poor circumstances he has made but few friends, most of whom are poor and distressed because of the lack of funds. Peterson needs help; he needs it now. Poor as he is his life is sweet to him, and while he states that if it is God's plan for him to go in this direction, he is willing to obey His orders, but pleads for a chance to prove his innocence of this ugly and unthinkable crime that was laid at his door and upon his shoulders in the last trial.

Peterson's friends have been able to secure the services of two of the most outstanding attorneys in the South, they too are making sacrifices that a reasonable share of justice may be given this black man, and that if he is innocent the wheels of justice be given a chance to turn in that direction, and if he is guilty, of course, the law will take its regular course in fixing punishment for crimes of this kind.

The necessary funds have not been raised to take care of the expense of preparing transcripts and attorneys' fees. The amount should be raised on or before April 1. To date the committee has raised and turned over to attorneys all of the contracted amount except $575.00. This is needed now; it is needed today, and those who are interested in this cause, and who desire and can make a donation should bring or send it to Dr. Chas. A. J. McPherson, 4th floor Colored Masonic Temple, 17th Street and 4th Avenue, North, Birmingham, Alabama. Dr. McPherson is the secretary-treasurer of the Special Committee making the effort to raise the funds.

DEFENSE FUNDS IN PETERSON CASE STILL SHORT

The arrangements by attorneys for the hearing of the case of Willie Peterson before the Supreme Court of this state in April are being rapidly but safely completed.

When last seen by the write, Attorney John W. Altman chief counsel for Peterson, stated that in his judgment the matter is pretty thoroughly in hand, and that he and his associate, Attorney Walter Smith, have been working carefully on the details, and he felt sure that the case would be ready for submission, all of the matters considered, in the April term of the Supreme Court at Montgomery.

Funds Are Needed

The committee handling this affair is greatly handicapped because of the lack of necessary funds. According to the secretary-treasurer, Dr. Chas. A. J. McPherson, it is quite imperative that all funds be in hand not later than April 1.

Willie Peterson is in the county jail in Birmingham, and has no way of making a personal appeal to the public. If he does not have cooperation and sympathy from that free group of his own people, it is possible that he can suffer the peril that so often comes to unprotected individuals.

Alabamians Held In Slaying Of Girl

JASPER, ALA., March 29.—(AP)—Warrants charging murder were sworn out here today against Mr. and Mrs. Tillman Romaine, in connection with the slaying earlier in the day of Miss Lucile Stallings, 18.

The charges were preferred by the parents of the slain girl.

Deputy Sheriff H. G. Barnett said Miss Stallings was slain with a shotgun as she was working in a garden, next door to the Romaine home, and that he was told by witnesses that Mr. Romaine came to the rear of her home and fired at the young woman.

Barnett said Mrs. Romaine told him the girl was advancing on her with a hoe. The officer said he was told that there had been bad feeling between the Romaine and Stallings families for several weeks.

The shooting occurred at Oakman, 18 miles from here.

Battered Body Of Woman Identified

OPELIKA, ALA., March 29.—(Special)—The battered and mutilated body of a woman identified as that of Mrs. Baxter Thomas, about 50, was found late Tuesday in a creek approximately three miles east of Waverly, in Chambers County, by a searching party which had been organized to search for the woman who disappeared about two weeks ago.

An examination of the body by Dr. C. R. G. Coggins, Waverly physician, revealed the skull had been crushed. She was last seen by residents of the creek community near the spot where the body was recovered.

She is survived by her husband, from whom she was estranged, and a number of children, three of whom were living with her at time of death.

Chambers County officers are investigating. No arrests have been made.

Willie Peterson Case To Supreme Court April 17

BIRMINGHAM, Ala. — Willie Peterson, convicted and sentenced to death on January 30, 1932 for the murder of Biss Augusta Williams and Miss Jennie Woods, society girls of this city, on August 4, 1931, will have his hearing before the Alabama Supreme Court on April 17.

At his first trial, when he was accused simply of murder, the jury disagreed and a new trial was ordered. At the second trial, in order to be sure and convict the defendant, the state attorneys accused him not only of murder, but of rape. The case has been full of drama from its beginning. Even before his first trial, Peterson was shot down in the sheriff's office by a brother of the dead women when the family called to identify him. The brother was acquitted.

Miss Williams and two girls were out riding when the shooting occurred. The surviving girl told a story that they had been "forced" to drive to a lonely road near the city, known for its petting parties, and had been "forced at the point of a gun" by a Negro to listen for more than three hours to a speech on Communism and the wrongs suffered by Negroes. The story is that Miss Williams finally tried to leave and was shot. No mention of rape was ever made until the second trial. Peterson was picked up on a Birmingham street one day as the surviving girl was driving by and declared he was the man. He has insisted that he knows nothing of the crime and was in another place when it happened.

Killings - 1933

Arkansas

Attempt To Burn Bodies Following Triple Murder

OSEEOLA, Ark.—(CNS)—Harry Kinney and Robert Tilsey, white, are charged with murdering Willie Washington, a youth, and Tom Green, 65, and his wife Emma Green, 57, and then building a fire to destroy the shack in which the bodies were left.

According to the police the pair had obtained Washington, to help get their car out of the mud. While resting from the labor, one of the men, it was said, became angry when the boy could not furnish a match and allegedly shot him three times.

Then, police were told, the men went to the shack where they had found Washington, killed Tom Green, and his wife, Mrs. Emma Green, and then built a fire under one corner of the shack, which did not ignite.

SLAYING

OSCEOLA, Ark., Jan. 19—(CNS)—Harry Kinney and Robert Tilsey, two white men, are charged with murdering Willie Washington, a youth, and Tom Green, 65, and his wife, Emma Green, 57, and then building a fire to destroy the shack in which the bodies were left.

According to reports to police the two white men had obtained Willie Washington, Negro youth, to help get their car out of the mud. While resting from the labor, one of the men, it was said, became angry when the boy could not furnish a match and allegedly shot him three times.

Then police were told, the men went to the shack where they had found Washington, killed Tom Green, and his wife, Emma, and then built a fire under one corner of the shack, which did not ignite.

2 Negroes Hunted In Murder, Assault

LITTLE ROCK, ARK., Feb. 4.—(AP)—Joining hands with officers of two other counties, police investigators tonight had two negroes under arrest as suspects and had others under surveillance in an effort to solve the murder last night of Mark M. Goodson, 44, former patrolman, and the criminal assault of his Mrs. Jerome May, 30.

The woman, stabbed 13 times and beaten severly about the head, was believed to be recovering in a hospital. She recounted details of the tragedy which officers said were corroborated by evidence they had found in a minute search near Lakewood, in a remote section north of North Little Rock.

The negroes under arrest were Prentice and Willie Anderson. The former previously served a prison sentence for a criminal attack on a negro girl.

Woman Wounded, Ex-Policeman Slain

LITTLE ROCK, Ark., Feb. 3.—(AP) Found staggering along a highway in a dazed condition, Mrs. Jerome May, 30, told police of an attack upon her by a negro and the wanton shooting of Mark Goodson, former Little Rock policeman, while they were seated in a parked automobile near North Little Rock tonight.

Searching parties were scouring the wooded section for Goodson's body, but late tonight the body had not been found.

Her head crushed by a blow and suffering from 13 knife wounds on her arms and body, Mrs. May was taken to a hospital, where physicians said her condition was critical.

FARMER DIES [illegible]IGHT

Negro Held In Connection With Death Near Hot Springs.

HOT SPRINGS, Ark., Feb. 12.—John Ward, 32, farmer, died this afternoon in the Leo N. Levi hospital from injuries received Saturday afternoon in a fight with Mack McGinnis and Dan McGinnis, negroes, on the latter's farm, seven miles west of Hot Springs.

Relatives of Ward telephoned Sheriff Jim Floyd, stating Ward had been seriously injured in a fight, and asked that a physician be sent to his home. Sheriff Floyd got an ambulance and requested County Physician Harry O. Lynch to go to the Ward home, situated half a mile from the McGinnis farm. Dr. Lynch also found Ward's brother, Lon Ward, had been in the same fight. Lon was too badly injured to be placed in jail and was allowed to remain at his home under guard.

McGinnis was arrested by county officials at his home here. The negro said the two Ward boys came to the McGinnis home yesterday afternoon, bringing whiskey with them. All got drunk and Lon Ward kept urging his brother and Dan McGinnis to fight. Mack McGinnis said he did not know what his brother struck Ward with.

Dan McGinnis has not been arrested.

NEGRO CAFE DAMAGED AFTER YOUTH IS SLAIN

Friends of Victim Seek Vengeance at Little Rock.

LITTLE ROCK, March 28.—(AP)—Believed by police to have been the sequel of the slaying of a youth by a negro last night, a negro restaurant in North Little Rock was badly damaged early today by fire, which officers said was started by a group of unidentified [illegible]

The youth, Lloyd Woods, 24, was shot and killed on a downtown street in North Little Rock as the climax to a quarrel between a group of youths and three negroes over a narrowly averted automobile accident.

Douglas Eckford, negro, 24, was named as the slayer and officers said he confessed today after intensive questioning. F. C. Coffey, negro, 36 also was in custody, but he has refused to discuss the slaying.

Charged With Murder.

Homer Cavin, North Little Rock chief of police, said that Eckford would be charged with first degree murder and Coffey would be charged as an accessory. A negro woman with the two men had not been located tonight.

As word of Wood's death circulated last night, a group of men gathered around North Little Rock police headquarters. Shortly afterward two patrolmen about a block from the restaurant, known to police as a "speakeasy," saw an automobile stop in front of the building and several men alight.

A sound of breaking glass was heard and flames leaped out from the front of the building, an old three-story brick structure. The blaze was extinguished quickly, but damage was etimated at several hundred dollars. A gasoline can was found in the building later.

As police reconstructed the affair, friends of the youth were seeking vengeance and believed the negroes had obtaind liquor from the restaurant. The negroes tonight were held at the penitentiary and extra precautions were taken to prevent any possible violence.

INDICT NEGRO'S SLAYER

Armorel Farmer Must Stand Trial in Blytheville Court.

BLYTHEVILLE, Ark., April 3.—William Arnold, Armorel farmer, was indicted today for first degree murder in connection with the fatal shooting of Buster Wallace, negro.

Wallace is said to have been killed when Arnold allegedly became incensed when the negro continued to trespass on land he had rented. It is believed his case would be tried in circuit court Tuesday or Wednesday.

A number of minor cases occupie[illegible] which convened this morn[illegible]

KILLS NEGRO ASSAILANT

Pine Bluff Plantation Manager Absolved in Shooting.

PINE BLUFF, Ark., Aug. 23. — An attempt to take a pistol away from his employer, who was searching him for a weapon proved fatal to Alexander Reed, 25, negro worker on the Lake Dick plantation about 7:30 o'clock this morning.

However, the negro managed to get the pistol and fired three shots at the employer, H. E. Ward, assistant manager of the plantation, before he fell.

Coroner [illegible] Root, who made an investigation of the affair, exonerated Ward.

Killings-1933

California

CORONER EXONERATES GREER'S WHITE WIFE

Justified in Slaying Former Chauffeur Husband

Killed by Spouse

LOS ANGELES, May 22.—A verdict of justifiable homicide in the fatal shooting last week of Richard O. Greer by his white wife, Suawanna, was returned today by a coroner's jury.

Testimony at the inquest indicated that the woman, said by Willis Tyler, her legal attorney, to be the former owner of a hotel in Asbury Park, N. J., gave up her friends three years ago, married Greer, who was then her chauffeur, disposed of her property and invested $80,000 in the production of a play Greer was writing.

Tyler told the jury that unhappiness beset the couple after they came to California, and that the shot which killed Greer followed a long series of beatings which Greer administered to his wife.

The question of whether she will be held for trial is to be decided by the District Attorney.

Mr. Greer created a sensation in New York theatrical circles when he invested a considerable amount of money in a show called "Blood Stream," which opened on Broadway. The production was short-lived and Greer later devoted his time to the management of a hotel at Asbury Park. N. J.

RICHARD O. GREER, "justifiably" slain last week by his white wife in Los Angeles, Calif., says Coroner's Jury.

Killings-1933

D.C.

Second Man Slain by a Cop Who Has Been on Force Less Than Year

Richard Robinson Dies of Gunshot Wounds After Scuffle With Officer

ROOKIE POLICEMAN FREED AFTER PROBE

Shooting Recalls Affair of Last Week When a Man Was Killed

For the second time in a week an officer who has been on the force less than a year has been freed of killing a man when a coroner's jury returned a verdict of justifiable homicide in connection with the killing of Richard Robinson, 23, 30 G Street, Southwest, who was fatally wounded by Policeman George M. Struder, of No. 4 Precinct Station, Sunday morning.

Testifying in his own behalf at an inquest at the District Morgue, Tuesday morning, Struder stated that he became a policeman last May. He will not have been on the force a year until next month.

Rookie Cop Victim

Daniel Courtney was killed a week ago by Officer John Francis Ryan, a rookie policeman, who had been on the force less than twelve months.

Struder testified that he was walking his beat in the 1500 block of Massachusetts Avenue, Southeast, when a woman who was later identified as Rebelle Stokes, 1510 Massachusetts Avenue, ran into the street and told the policeman a man was in the house threatening her with a revolver.

The policeman said he went into the house where he found Garfield Selvy with a pistol. The officer said he took the weapon from the man and was leaving when he was attacked by Robinson, who was in the house.

Claimed Man Had Gun

Robinson and Struder became engaged in a fight and the officer claimed his baton was taken from him and he was struck over the head by Robinson. He said the Stokes woman yelled that Robinson also had a revolver, and during the struggle Struder said he drew his service revolver and fired three times at the man.

Although fatally wounded Robinson ran up a flight of steps, jumped from a second-story window, hailed a taxicab and went to Casualty Hospital, where he died a short time later.

In a statement to Detective Sergeant George E. Darnell, of the homicide squad, Robinson is alleged to have said he was trying to get to a knife in his pocket while tussling with the officer in order to throw the weapon away as he did not want to be arrested and the knife found on him.

All Were Drinking

Miss Stokes declared that Robinson and Selvy came to the house about 4 a.m., and all had been drinking in the kitchen. She said Selvy made an indecent proposal to her and when she resented it the man slapped her down. She started out of the house and Selvy drew a pistol and threatened her. Despite this she left and summoned the officer.

Another girl, Anna Byrd, 622 O Street, was at the house during the fight and claimed she heard the noise, and left before the shooting.

Selvy, who was arrested, stated that he visited the house with Robinson and slapped the girl because she called him a vile name.

Ruby White, another occupant of the house, also claimed she did not see the policeman and Robinson fighting and left before the shooting.

Selvy claimed he and Robinson were showing each other their revolvers while at the house. A knife was the only weapon police found on the injured man.

Want Investigation by Rover's Office in Fatal Shooting

Civic Group Protests to Free Use of Pistols by District Policeman

BEER SALES NEAR SCHOOLS SCORED

Will Tell Commissioners 200-Foot Regulation in Violated

The office of United States Attorney Leo Rover, was asked by the Bloomingdale Civic Association, Tuesday night into the wanton shooting and killing of citizens by policemen, in a resolution presented to the body by Edward F. Harris, corresponding secretary.

The resolution was passed without a dissenting vote. The protest was aimed at the recent killing of a man at Second and H Streets Northeast, who was fatally wounded while running from two officers.

Coroner Flayed

The alleged investigation by the coroner into the killing of citizens was also flayed by the association. It was pointed out that officers always bring in a stereotyped report that the victim "was reaching for his hip pocket, and they believed their lives in danger."

If Mr. Rover fails to take action in the shooting the body decided to carry the whole affair direct to the President. It was also stated that none of the victims killed by police recently have been found to be carrying weapons and in the recent case ,the man had only a numbers book which he sought to throw away.

Beer Sold Near Schools

The association also went on record as being opposed to beer being sold near schools and churches. A protest was sent to District authorities asking that the 200-foot regulation be enforced in regard to such places.

It was stated that the law specifies that the beverage is not to be sold within a radius of 200 feet of such buildings, and it was pointed out that a beer garden is about to be opened "under the doors of Garnet-Patterson Junior High School, and already beer is being sold across the street from this school."

Violates Law

The body was told that a store in the 1400 block of First Street in close proximity to Armstrong and Dunbar High Schools is selling beer. Other instances were related where it was sold near churches and a drug store at First Street and Florida Avenue is said to be selling beer in violation of the law.

Opposes School Cuts

The association went on record as against the proposed slashes in the public school funds for the District. It was stated that the cuts would seriously "hamper the work of education in the District." A letter was sent to the Senate committee opposing the cuts.

Mrs. J. A. Cuney, president of the association, presided at the meeting which was held at the Tabor Presbyterian Church.

A scheduled address by A. C. Smith, a candidate for District commissioner, failed to materialize when the speaker did not put in an appearance. Mr. Smith is said to be related to the owners of the Smith Storage Company owners with warehouse on U Street.

Shot in the "Back"

Three Negroes are dead. Two white men of the three who shot them to death are free; absolved of the crimes. One is a policeman, the other two are watchmen. The Negroes were all alleged to have been thieves.

It may or may not be just a matter of coincidence that the bulk of the many colored men accused of slayings and brought to face coroner's jury inquiries are held. It may be equally as coincidental that a major portion of the cases against white killers of Negroes are dismissed.

In the case against the policeman, the familiar verdict "used his weapon in the line of duty and in defense of his life," cleared the killer. In one of the other two cases "self defense" was set up as the basis for exoneration, while in the third the Negro victim was said to have been killed when a hold-up attempt was balked.

Of the three slain men, two revealed under autopsy that death was caused by a bullet which entered the back. Incidentally these were the two who were reputedly *about* to inflict personal injury on their subsequent slayers.

Although there is a possibility that the element of coincidence has played a large part in this week's activities, we feel that the tribunal headed by Dr. A. Magruder McDonald deserves little more than a sidelong glance from Negro associations, and militant civic organizations be they white or black.

Free White Girl Who Slew Negro Lover In Capital

Washington—(By the Associated Negro Press)—Frances "Frankie" Allen, 20-year-old white girl, who has been held for two weeks in connection with the fatal shooting of her colored sweetheart, Albert Fletcher, 24, is a free woman again. A white grand jury Wednesday returned an "ignoramus," refusing to indict her on the grounds that there was no justification for such.

According to the story told by the police, the white girl had decided to kill herself after she had learned that Fletcher was colored, but he saw her wit hthe gun and, in attempting to take it from her, was shot.

But reports from other sources indicated that the Allen woman was well known in Washington's half-world, that she knew Allen was colored and had other colored associates. It is insisted in these other reports that Fletcher had decided to quit the Allen girl on account of her age, for another girl and that the shooting resulted from a jealous quarrel.

Killings - 1933

Florida

TOM WATTS KILLED BY FLORIDA NEGRO

Advertiser 5-7-33

Former Montgomerian Dies Of Wounds Received In Gun Fight At Jacksonville

Montgomery Ala.

Five Montgomery relatives of Tom Watts, Jacksonville, Fla., deputy and a native of Montgomery, who was shot during a gun battle with two Negroes at Jacksonville Thursday night, left here early yesterday, to go to the bedside of their brother, who died, however, before they reached Jacksonville.

Mr. Watts was born in Montgomery and spent his early life here, moving several years ago to Jacksonville. He was 41 years old.

Deputy Watts and another officer attempted to arrest a Jacksonville negro Thursday night on a prohibition charge and the negro resisted them. They shot the negro to death, but his son wounded both officers. Watt's companion is expected to recover. The negro is held for murder.

Surviving are his father, W. B. Watts, 607 Saffold Street; three brothers, W. C. Watts, 607 Saffold Street, Ernest, 804 South Court Street, and Irby, of Birmingham; one sister, Mrs. S. M. Reynolds, 1129 South Lawrence Street, and one daughter, Miss Lottie Watts, 30 Morgan Avenue.

The funeral will be held at Jacksonville today.

MURDER OF FLORIDAN CONFESSED BY NEGROES

Atlanta Const. 5-18-33

FORT LAUDERDALE, Fla., May 17.—(AP)—Louis D. Blaine, state's attorney, said today authorities had obtained confessions from two negroes that they participated in the robbery attack upon R. M. Darsey, 70-year-old fish merchant, which resulted in his death.

Negro Convicted.

Atlanta Const. 6-13-33

FORT LAUDERDALE, Fla., June 13.—(AP)—A circuit court jury here last night convicted Izell Chambers, negro, of first-degree murder for the slaying of Robert M. Darsey, Pompano fish merchant. Three other Pompano negroes, Charlie Davis, Will Williams and Walter Woodward, pleaded guilty to murder charges in the same case.

NEGRO SHOT BY FLORIDA COPS

Daily Worker 6-10-33

Eye-Witnesses Tell of Brutality

JACKSONVILLE, Fla.—The shooting of Earl Brent, Negro worker, by special officer Ryan, was brutal and wanton, according to the statements of eye-witnesses here today. Brent is in the hospital as a result of the shooting and his condition is reported as poor.

Drayton, a local resident, who, with his son, heard shots and saw the Negro running and caught him, before he was shot by the policeman said that "I wish a thousand times that I hadn't caught him." Although they reported to the police that they were witnesses of the affair, neither have been called by the police to tell what they know.

Man Found Dead; Negro Is Accused

Murder Discovered After Suspect Had Been Arrested

Telegraph Macon Ga. 8-29-33

TAMPA, Fla., Aug. 27 (AP)—The body of Richard D. Parrish, 35, caretaker of a citrus grove near here, was found floating in a lake on the property. He had been shot in the head with two shotgun charges.

Ernest Joiner, a Negro from Valdosta, Ga., whom Parrish had given a job a few hours before the shooting, was brought here from Jasper, Fla., tonight and charged with the shooting.

Joiner was arrested at Jasper last night on suspicion before the murder was discovered. He was driving Parrish's car, and Jasper officers notified officers here when they found mail in the car addressed to Parrish.

While the Negro was held for investigation of automobile theft, the murder was discovered early this morning when Dr. James L. Estes, owner, went to the grove, and found the caretaker missing.

Officers found a shotgun belonging to Parrish which the Negro had given to a filling station operator for gasoline. State Attorney J. Rex Farrier said the Negro had confessed the crime.

Parrish came here a year ago from Citrus county.

GEORGIA NEGRO HELD IN FLORIDAN'S DEATH

TAMPA, Fla., Aug. 28.—(AP)—Ernest Joiner, Valdosta (Ga.) negro, was bound over to the Hillsborough county grand jury today on a first degree murder charge in the slaying of Richard D. Parrish, 35, Luz Grove caretaker, Saturday.

J. Rex Farrier, state attorney, said Joiner confessed he killed Parrish and dumped his body in a lake. The negro contended he acted in self-defense when Parrish, who had employed him a few hours before the slaying, threatened to kill him when he asked that he be taken to get a hair cut.

MIAMI IS INCENSED BY WOMAN'S MURDER

Journal Atlanta 9-16-33

All Available Officers Ordered to Track Negro Killer.

MIAMI, Sept. 15.—(INS)—Feeling was at high pitch here today as every available police officer in Miami was assigned to the task of tracking down the murderer of Mrs. Stella Pickett, formerly of Rochester, N. Y., who was shot to death, and her daughter, Winifred, 16, beaten by a negro intruder.

Police Inspector Frank Mitchell continued in force an order issued yesterday directing that all negroes found on the streets of the white section and who could not give adequate reasons for being there, be arrested and taken to police headquarters for questioning.

As the hunt progressed, following failure of bloodhounds to effect an immediate solution of the crime, several white citizens patrolled the streets, warning negroes to stay out of the white sections. A number of warnings were posted to this effect, and a crowd of several hundred people gathered at the Pickett home. Deputies were kept on duty in the vicinity throughout last night.

Mrs. Pickett, who was 37 years old, was killed as she lay in bed yesterday, when she cried out as she was awakened by a negro burglar. The negro then struck Winifred, the daughter, in the face and demanded money. The Pickett family came here nearly a year ago from Lyons, Ky., previous to which they resided at Rochester.

Slaying Cause Of Ban On Negroes In Sections of Miami

Journal Atlanta 9-23-33

MIAMI, Fla.—Residents of northwestern Miami posted warnings Saturday that no Negro would be allowed in that part of the city after sundown. A patrol of vigilantes was formed to enforce the ban and police orders were issued to arrest all Negroes found in the district after dark.

The order followed the murder of Mrs. Stella Pickett, white, and the beating of her 16-year-old daughter. Miss Pickett told investigators that she didn't see the assailant's face, but asserted that she heard "a voice which was a Negro's." Three colored men returning home from work were set upon and severely beaten by a mob of white men Friday night.

Tampa, Fla. Tribune September 27, 1933

"ACCIDENTS WILL HAPPEN"

When Sheriff Simmons of Okeechobee found three negroes riding on a Seaboard train he called on them to come to him. The negroes ran and the sheriff fired. Later, the sheriff caught two of the negroes in the quarters and found the third negro dead in the woods. A coroner's jury found that the negro's death was accidental as the sheriff had not intended to kill him.—Canal Point News.

FOUR NEGROES FOUND MURDERED IN FLORIDA

Atlanta Const. 11-2-33

ARCADIA, Fla., Nov. 1.—(AP)—The bullet-marked bodies of four negroes, three women and a man, were found in a palmetto thicket five miles east of here by two cow riders today. The position of the bodies indicated they had been thrown from an automobile which had been run about 100 yards into the thicket from a county road.

The negroes were identified as Jack Johnson, his sister, Lessie May, and Therese Morgan and Jessie Strawman. They had been missing since early Saturday morning, Sheriff Joe Hampton said.

FOUR ARE SLAIN

Telegraph Macon Ga. 11-2-33

Bodies of Negroes Found in Palmetto Thicket

ARCADIA, Fla., Nov. 1 (AP)—The bullet-marked bodies of four Negroes, three women and a man, were found in a palmetto thicket five miles east of here by two cow riders today.

The position of the bodies indicated they had been thrown from an automobile which had been run about 100 yards into the thicket from a country road.

The Negroes were identified as Jack Johnson, his sister, Lessie May, and Therese Morgan and Jessie Strawman. They had been missing since Saturday morning, Sheriff Joe Hampton said.

3 Negro Women, Man Lynched in Florida

Daily Worker 11-4-33

ARCADIA, Fla., Nov. 3. (By mail.) The total of reported lynchings for this year soared to 39 yesterday with the discovery of the bullet-riddled bodies of four Negro workers—three women and a man—in a palmetto thicket five miles east of here.

The position of the bodies indicated they had been flung from an automobile which had been run into the thicket.

The workers were identified as Jack Johnson, his sister, Lessie May and Therese Morgan and Jessie Strawman. They had been missing since Saturday. The Ku Klux Klan has been extremely active in this section in a terror campaign in support of the NRA plough-under program.

Special investigation made not classified as lynching.

Killings - 1933

Greensboro
April

A ONE-SIDED HEARING.

Although a coroner's jury, after hearing what was unquestionably a one-sided version of the tragedy only a few hours after its occurrence, has exonerated Patrolman R. M. Brooks of blame in killing Paul Little, negro, it has not settled the matter entirely to everybody's satisfaction.

Every time an officer's gun kills a man one immediately wonders if the circumstances justified the drastic action, and that is the question that presents itself now. True, the coroner's jury has found that the officer was within his rights in killing Little. However, the fact remains that the only version of the shooting given at the hearing was that of the officers. The dead man's companion and brother was reported too drunk to be brought down from the city jail.

The officers, Patrolman Brooks and Sergeant E. H. Johnson, said they found the two negroes drunk in a parked car and stopped to make an investigation after they saw one of them remove something from his coat and place it on the rear seat of the machine. Resistance was offered when the officers announced their intention to take the negroes to headquarters, and in the scuffle that followed Officer Brooks shot Little three times as the negro advanced on him with a drawn hammer, he testified.

Both negroes were intoxicated; that was the uncontradicted testimony at the hearing and substantiated by a post mortem examination of Little's stomach, showing a content of intoxicants. The only remaining question is the degree of the man's intoxication. If he was half as drunk as his companion was reported to have been, was he dangerous enough, even though armed with a hammer, to justify the officer in firing three shots into his head and body? It seems that one shot would have been sufficient to stop a drunken man.

Probably the justification of the killing should not be questioned as there might be facts that the newspaper account of the shooting and hearing did not reveal. Yet, it is rather difficult to understand why the coroner's hearing was conducted almost before rigor mortis had set in and the intoxicated brother had an opportunity to sober and give his version of the tragedy. The usual procedure is to hear the testimony of all concerned.

Officers have been known to be too quick on the trigger. They have misinterpreted the right to carry a gun as authorization to shoot on the slightest provocation. The courts should ascertain all the facts before passing judgment.

The action of the police department in preferring formal charge of second degree murder against Officer Brooks is commendable. Hearing on the charge will afford an opportunity to lay all the cards on the table. That was more than was done at the coroner's hearing.

RALEIGH, N. C.
NEWS OBSERVER

AUG 14 1933

SPIRIT OF THE PRESS

MURDER AMONG THE COLORED

The Cleveland Star.

When one of their own race is in trouble the colored people are close-mouthed. As an officer puts it, they "close up like clams."

But the recent capture of a colored man who is alleged to have slain another here some weeks ago—a capture, incidentally, which should win commendation for county and city officers—serves to remind that among the better class of colored people many wonder if criminals of their race are punished severely enough. Their bitterness, as discretely expressed, is not directed particularly against the alleged slayer in jail. They are wishing him as an individual no more severe punishment than any other. The whole truth of it is—and are they not right?—that a colored man or woman who slays another is seldom, if ever, punished as severely as is a white man or woman who slays another white man or woman.

For that reason, these law-abiding colored people point out, life is valued too cheaply among their race. Think back over killings among the colored race and chances are that you will find they have a basis for that belief. The average Negro slayer of another Negro usually gets a sentence around 4 to 6 years, the run being from one year to 10. When a white man kills another white man the average sentence runs from 15 years to life. Who will say that

General

that does not, to a certain extent, explain why there are more killings among the colored people. With such a precedent a colored man on a rampage may be led to say to himself, "If I kill this man, all I'll have to do will be two or three years on the roads." If he knew that he would receive from 15 years to life, perhaps a seat in the death chair, isn't it likely that he would think the second time before raising his hand to slay a fellow man.

Life means just as much to the colored as to the white. Are they not right in wondering why human life is not valued as highly in their race as in the white? They reason quietly among themselves that as long as slayers are given short prison terms, killings will continue with an average of one for every two or three brawls.

Killings - 1933

Georgia
6

FOUR MEN ON TRIAL IN SLAYING OF NEGRO

State's Witness Tells Americus Court He Saw Murder Committed.

AMERICUS, Ga., Dec. 18.—(AP)—A charge by the prosecuting attorney that he had been entrapped through failure of the state's star witness to give him full facts was made today in the trial of four white men charged with the slaying of Henry Thomas, a negro.

The defendants, all prominent Sumter county farmers, are McKinley Jordan, Dave Mills, Cliff Snider and Douglas Mills.

Under questioning of Solicitor Hollis Fort, M. [illegible] Miller, a railroad employe, testified that on the day Thomas was killed Douglas Mills came to his home and asked Miller to take him home. He said he heard a cry and turning, saw a car parked near by and heard a gun shot.

He testified he saw McKinley Jordan sitting in the front, facing the rear with a pistol in his hand. He also testified Dave Mills was holding Thomas and at the report of the gun, Thomas slumped in the seat.

When questioned by attorneys for the defense Miller said Jordan got out of the car, walked over to where Miller was standing and showed him where his shirt had been cut in an alleged atack by Thomas with a knife.

It was then Fort claimed he had been entrapped and that part of the testimony withheld.

Lou Bell Pope and Thomas Clark, both negroes, testified they had been working in a field with Thomas on July 14 when four white men forced him to accompany them at the point of a gun.

Deputy Sheriff Walter Campbell, for whom Thomas worked and who made the arrests in the case, said when it was reported Thomas had been abducted he made an investigation and found the body in an automobile at the home of Mills' relatives. He said Dave Mills and Snider were in the car and Snider ran as the deputy approached.

The case was not complete when court adjourned for the day.

NEGRO IS SENTENCED FOR COLEMAN KILLING

JONESBORO, Ga., Dec. 20.—Finis was written to one of the most sensational cases in modern annals of crime Wednesday morning when John Stark, negro, pleaded guilty to the murder of Mrs. Effie Coleman and was sentenced to life imprisonment.

The negro's guilty pleas solved a five-year-old murder mystery and vindicated Robert E. Coleman, husband of the slain woman, who served four years of a life sentence for a crime which he did not commit.

The murder of Mrs. Coleman, 19 years old and mother of a nine-month-old baby, was a sensation for weeks after the murder was discovered on March 14, 1929.

The young mother had been beaten to death, apparently with an old-fashioned smoothing iron, in the Coleman home five miles north of Jonesboro. The husband was charged with the crime.

Coleman contended that stains found on his overalls came from glue, but the state charged that they were made by human blood. A jury which deliberated 17 hours found him guilty, and a recommendation for mercy automatically brought about a life sentence.

Coleman steadfastly protested his innocence, but did not move for a new trial and did not carry his case to the supreme court.

Early in 1933, while Coleman was an inmate of the Stonewall convict camp, a negro named Rader Davis was arrested on a murder charge. In his confession, Davis made reference to another crime—the slaying of Mrs. Coleman.

He declared that Jim Stark had told him that he had killed Mrs. Coleman. Stark was arrested, and in April, 1933, he confessed. The governor thereupon pardoned Coleman, and he saw his five-year-old son, Robert E. Coleman Jr., for the first time since Mrs. Coleman was buried.

Stark was put on trial in May, 1933, but denied making a voluntary confession. The jury convicted him without recommendation for mercy, but Judge John B. Hutcheson granted a new trial.

Tried again in August, 1933, Stark again repudiated his confession, and again was found guilty. The negro's attorneys, O. J. Coogler, Carl Hudgins and J. E. Mundy, moved for a new trial, and Judge Hutcheson issued an order setting aside the verdict and granting still another trial.

The judge added that he would accept a plea of guilty and would sentence the defendant to life imprisonment. This offer Stark accepted Wednesday.

"If Stark is guilty, he deserves the death penalty," the judge declared in making his offer. "Reviewing the evidence of the two trials, I must say that such physical facts were brought out as to create so much doubt in my mind that I could not and would not allow him to suffer the extreme penalty.

"In this matter, the responsibility rests entirely on me, and I am going to assume it. I have never let any man suffer the supreme penalty while I was presiding over the superior courts until I was entirely satisfied of his guilt."

FOUR MEN ACQUITTED IN SLAYING OF NEGRO

Sumter Jury Returns Not-Guilty Verdict After Six-Hour Debate.

AMERICUS, Ga., Dec. 20—(AP)—McKinley Jordan, Dave Mills, Cliff Snider and Douglas Mills were all acquitted of the murder of Henry Thomas, negro, by a Sumter county superior court jury at 9:45 o'clock. All the defendants are prominent farmers of Sumter county.

The trial of the four men was begun Monday morning with Judge W. M. Harper presiding. Practically the entire first day was spent in selecting a jury. Presenting of the evidence was completed at 5:55 o'clock last night and the jury deliberated on the evidence until 10:55 o'clock before they were retired for the night by Judge Harper.

Case Dropped.

Shortly after court convened this morning the jury returned the verdict. The case against B. B. Mills, brother of two of the defendants, charged with being accessory before the fact of murder, was nolle-prossed. The B. B. Mills case was entered in the same indictment as the other defendants but was to be tried later.

A comparatively small crowd, consisting mostly of relatives of the defendants, heard the verdict.

The case was prosecuted by Solicitor Hollis Fort, assisted by Hollis Fort, Jr.

Counsel for the defense was Steve Pace and J. A. Nixon, Americus attorneys.

QUARTET FREED IN SUMTER CASE

Men Found Not Guilty of Slaying Negro; Case Against Mills Is Dropped

AMERICUS, Ga., Dec. 20. (AP) — McKinley Jordan, Dave Mills, Cliff Snider and Douglas Mills were all acquitted of the murder of Henry Thomas, Negro, by a Sumter county superior court jury at 9:45 o'clock this morning. All the defendants are prominent farmers of Sumter county.

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Killings-1933

Georgia

Georgia Jury 'Praises' White Man Who Slew Race Sharecropper

Defender 10-24-33

Chicago Def.

By CLIFF MACKAY

ATLANTA, Ga., Oct. 27.—Carrying out the time-honored traditions of Georgia justice, a jury in Judge Humphries' court late Tuesday afternoon found Dewey Roper, white share-cropper, not guilty of the charge of murder of Russ Strickland, Race share-cropper, because Strickland's cows had escaped into the white man's corn patch.

"I just put that there gun right in his belly and pulled the trigger," so Roper, a father of seven children, told the jury in describing how he had taken the life of the 60-year-old farmer. The jury reached its verdict after a short deliberation.

Jury Takes One Vote

"We only had to vote once," one juror said after the verdict freeing the white man had been read.

The shooting occurred on the Gordon Kelley plantation near Alpharetta, Ga., about 10 miles from Atlanta, where both farmers are tenants.

The state produced three witnesses to the shooting, all of whom were white, who told how Strickland was sitting on their porch when Roper, a pistol in his hand, walked up and called out:

"Come here, Russ, I'm going to settle this thing right now," George Martin told the court Roper had said to Strickland as the farmer was sitting on the Martin porch shortly before he was fatally shot.

Tries to Protect Self

Martin said he was lying on a bale of cotton watching the whole proceedings. Roper, according to the witness, raised his pistol to fire when Strickland, in an effort to knock the weapon out of his hand, jumped up and went toward the white farmer. Roper fired twice before Strickland reached him, Martin said, the bullets going astray.

Strickland leaped at the white farmer, grabbing his right hand, in which he held the pistol, Martin said. The two scuffled on the ground and a third shot was heard. Roper began yelling for help, the witness told the jury on direct examination, and it was then, Martin said, he came to the spot where the two men were on the ground and asked Strickland to get up off the white man.

Claude Martin, a brother of the first state's witness, corroborated his testimony.

He denied on cross-examination by Frank Fling, defense attorney, that it was Strickland who was the aggressor in the shooting. "Russ didn't even get up off the porch until Dewey flashed that there pistol," the witness asserted.

Raises Race Issue

"You don't like Dewey Roper, do you?" Attorney Fling asked the witness.

"I ain't got nuthin' agin him," Martin answered. "Why, you must have, you're down here testifying for a nigger, ain't you?" Fling shot back.

Solicitor Hudson objected to the line of questioning and his objection was sustained by Judge Humphries.

Roper, sitting in the courtroom, adorned in a cheap cotton suit, no tie, a white shirt and heavy brogan shoes, continued to pat the head of his small blonde-haired, blue-eyed son, whom he held in his lap all during the trial.

He seemed unperturbed.

His wife, a small, red-faced woman, sat by his side, a 4-month-old baby in her arms.

Five other children of varying ages were grouped around the father on trial for his life for the killing of Strickland. As if to create a needed effect on the minds of the jury, the woman would start nursing her small child every few minutes, her breast lying exposed to the view of the crowded courtroom.

Slain Man's Daughter Testifies

Judge Humphries rapped for order and Solicitor Hudson called in Miss Lottie Strickland, daughter of the murdered farmer. Showing her a large caliber nickle-plated pistol, Solicitor Hudson asked: "Is that or not the pistol you found near your house in the cotton patch?"

The young girl answered in the affirmative.

"Questioned further she said her father came home late the night of the shooting and said that he had been wounded in the abdomen. He was carried to Grady hospital in Atlanta 10 hours later.

Hears Plantation Owner

Gordon Shelly, owner of the plantation on which the shooting occurred, took the stand as defense witness, and said that Strickland had threatened Roper's life a short time before he was shot by the white farmer. It was Shelly who brought out the motive for the slaying. He said that he had a small pasture which he had permitted Strickland to use as a grazing ground for his cows. Roper, he asserted, had planted corn all around the field and the two had had some words about one of Strickland's cows escaping into the corn patch.

Solicitor Hudson, picking up the heavy weapon, handed it to Shelly and asked: "That's your gun, isn't it?"

"Yes, it's my gun all right," the witness admitted, but hastily added, "I didn't know he had it."

Questioned further by the state, Shelly admitted telling Roper about Strickland's threat on his life. It was after learning of this threat, Shelly explained, that the shooting occurred in front of the Martin brothers' place, a quarter of a mile away from his home.

Roper in his unsworn statement in his own defense declared that he was afraid of Strickland, claiming that Strickland had threatened to break his neck. Strickland, he said, was striking him over the head with an iron pipe while the two scuffling over the gun after he had shot twice. "I just seen that he was intendin' to kill me," he said, "so I just put that there gun right in his belly and pulled the trigger."

Says Slain Man Was Bad

"I know that you good gentlemen will turn me loose and let me go back to my wife and babies. It was just a plain case of self-defense," he ended.

After Judge Humphries had overruled an objection made by Solicitor Hudson, Defense Counsel Fling called A. M. Bell, 86-year-old father-in-law of Gordon Shelly, to the stand in an effort to prove that Strickland was a bad character.

"Yep," said the aged man, who, with his flowing white beard, shoestring tie and wide brim hat, bore all the apearance of the accepted idea of a southern planter, "I've known that nigger, Strickland, for six years. He was a bad'un. Had a mania for killin' off white folks."

"Did he ever actually kill any?" the solicitor asked.

"Well, no," the patriarch hesitantly answered, "not that I can remember."

Mrs. Daisy Bailey, a Race woman, who lives on the plantation, took the stand as defense witness and swore that Strickland was a vile character. A huge goiter hanging at her throat presented a grotesque appearance as she attempted to tell the court just how bad the slain share-cropper was. Attorney Fling began his argument to the jury.

"He had a perfect right to defend himself against that burly-headed nigger," he said, seeking to justify his client's acations, "the law guarantees him that."

Solicitor Hudson declared that he knew it was the old proposition that no white man was going to stand for any Negro to curse him out and that anyone who did merely dug his own grave, but he asked the jurors to decide the case on the law, which did not justify murder on any such grounds.

FOUR WHITE MEN PLACED ON TRIAL

Telegraph

Sumter Farmers Charged With Killing Negro; Solicitor Says He's Been Trapped

12-19-33

AMERICUS, Ga., Dec. 18 (AP)—A charge by the prosecuting attorney that he had been entrapped through failure of the state's star witness to give him full facts was made today in the trial of four white men charged with the slaying of Henry Thomas, a Negro.

The defendants, all prominent Sumter county farmers, are McKinley Jordan, Dave Mills, Cliff Snider and Douglas Mills.

Under questioning of Solicitor Hollis Fort, M. C. Miller, a railroad employe, testified that on the day Thomas was killed Douglas Mills came to his home and asked Miller to take him home. He said he heard a cry and turning saw a car parked nearby and heard a gun shot.

He testified he saw McKinley Jordan sitting in the front, facing the rear with a pistol in his hand. He also testified Dave Mills was holding Thomas at the report of the gun Thomas slumped in the seat.

Worked for Deputy Sheriff

When questioned by attorneys for the defense, Miller said Jordan got out of the car, walked over to where Miller was standing and showed him where his shirt had been cut in alleged attack by Thomas with a knife.

It was then Fort claimed he had been entrapped and that part of the testimony withheld.

Lou Bell Pope and Thomas Clark, both Negroes, testified they had been working in a field with Thomas on July 14 when four white men forced him to accompany them at the point of a gun.

Deputy Sheriff Walter Campbell, for whom Thomas worked and who made the arrests in the case, said when it was reported Thomas had been abducted he made an investigation and found the body in an automobile at the home of Mills' relatives. He said Dave Mills and Snider were in the car and Snider ran as the deputy approached.

The case was not completed when court adjourned for the day.

Killings-1933

Georgia

Jury Refus. to Convict Georgian Who Admits She Cut Off Head of Employe

COLOR PREJUDICE AGAIN WINS IN COURT

By CLIFF MACKAY

ATLANTA, Ga., Sept. 27—Bertha Virginia Smith, 40-year-old white woman, who admitted in a signed statement read to the jury that she had severed the head of her maid, Clara Wallace, walked away from Judge Humphries' courtroom a free woman, late this afternoon.

The jury deliberated a scant 15 minutes and returned with a verdict of "not guilty."

Jubilant, Mrs. Smith jumped from her seat at the trial table and ran to the jurors lined in front of the box and began thanking them. Judge Humphries rapped and warned her that "this is a courtroom. We don't thank people here."

The slayer, who had sat through the trial vigorously chewing gum, then turned to her husband who led her from the room.

The jury returned its verdict after a vindicative closing speech made by W. F. Moore, representing the white woman, in which he declared, "Could you white men born in a free country stupify yourselves to the extent of taking away a white woman's liberty on the lying testimony of these black wenches."

Judge Humphries took 30 minutes to charge the jury, declaring that under the law, it could either convict for murder or voluntary manslaughter or acquit.

A tense atmosphere hung over the courtroom, crowded with both black and white faces, throughout the day's trial.

Mrs. Smith nattily attired in a tweed dress, gray shoes, and a sporty gray hat, sat with her legs crossed, seemingly unconcerned with the proceedings. Signs of worry appeared on her seam-lined face only after the jury had remained in its room ove 10 minutes, without having brought in the apparently expected verdict.

Hacked to Death

The state case as presented by Assistant Solicitor General J. Walter Lecraw hinged around the testimony of Mrs. Mamie Murphy, next door neighbor to the white slayer, who was first to reach the house after the unfortunate 19-year-old servant girl, an expectant mother, had been hacked to pieces by a large butcher knife in the hands of her white mistress.

Despite efforts of defense counsel to keep testimony about the dead girl's condition from going in the evidence, Judge Humphries ruled that witnesses could relate statements Mrs. Smith had made to them as showing the motive for the killing.

Mrs. Murphy told how Mrs. Smith had come to her porch several weeks before Miss Wallace was slain, and told Rosa Wallace, sister of the dead girl, about her sister's condition. At that time, Mrs. Murphy related to the jury, Mrs. Smith accused E. S. Jones, a white boarder in her house, as being the father of Clara's unborn child.

The next day, Mrs. Murphy said, she saw Clara washing clothes in Mrs. Smith's back yard and called her sister, Rosa, to tell her that the girl was not strong enough to wash, because of her delicate condition. Shortly afterward, the woman said, Mrs. Smith came out in the yard and told Clara to go in the house. The white woman gave the girl a push, according to Mrs. Murphy, who said she was observing her actions from her own front porch.

Heard Her Scream

"A minute or so after the girl had entered the house," asserted Mrs. Murphy, "I heard Clara's voice saying, 'Well, what do you want me to do?' and then I heard her scream, 'Oh Mamie,' and begin moaning."

"I then ran down to the house in time to see Mrs. Smith come to the door. Her hands were dripping with blood and she was wet with blood from the top of her head to her feet. 'Clara's done killed herself,' she told me," the witness said.

"I ran in the house and in the kitchen I found Clara lying in a corner, one of her feet curled beneath her body, and her head cut almost off. 'Where's the knife?' I asked Mrs. Smith.

"But she didn't answer me. Only tried to grab me. I told her not to put her bloody hands on me. I asked her again where the knife was and she tried to grab my arm. I called Lizzie Edwards and she called the police."

Dr. [illegible] Blalock, county physician, testified that he had examined the dead young woman and found that her head was hanging on only by the spine. He said someone had apparently hacked at the neck with a knife, severing all of the soft tissue. He described a second small wound on her hand and on the shoulder.

Mrs. Lizzie Edwards, who said that she lived at 569 Jett street, two houses from the Smith residence repeated practically the same testimony as Mrs. Murphy.

Girl Pregnant

She said that it was either the latter part of May or the first of June when Mrs. Smith came to Mrs. Murphy's porch while she was sitting there and speaking to the dead girl's sister said:

"Rosa, did you know that Clara was 'pregnant?" The sister, she said, answered that she did not know it. "'But what hurts me so,'" Mrs. Edwards said Mrs. Smith continued, "'is that Mr. Jones is the cause of it. I can't stand for this disgrace to come in my house. What are you going to do about it?'"

"'There's nothing to do but let her give birth to the child,'" Mrs. Edwards testified the sister told the white woman, "'and I'll have to help her take care of it.'"

Mrs. Edwards said that Mrs. Smith left the porch mumbling to herself.

"'I feel so damn mean this morning, I could kill both of them.'"

Mrs. Florence Fuller, of 455 Jett street, state's witness, told the jury that Mrs. Smith had told her on one occasion several days before the slaying of the girl.

Mrs. Fuller, who rented a house from the white woman, said that Mrs. Smith, after learning of her maid's condition was constantly brooding over it.

On another occasion when the white woman visited her house, Mrs. Fuller said Mrs. Smith remarked, "Florence, just as sure as hell, it was Mr. Jones. I suspicioned it all along and now I know it's true." Mrs. Fuller said she told Mrs. Smith not to bother about that as there was nothing to it.

"Felt Like Killing"

Mrs. Fuller paused and looking toward the Solicitor declared, "It's just so nasty I'd rather not talk about it." She was given permission to come off the stand.

Miss Alma Bowen said that the white woman had confided in her that she had sent Jones away from her house after learning of her maid's condition.

At one time, Mrs. Smith told her that "she just felt like killing," Miss Bowen said, but added that the white woman didn't name anybody she felt like slaying.

"'I don't want anything wrong going on in my house,'" the witness told the jury that the maid slayer had told her on another occasion. She said that Mrs. Smith told her of finding a pick handle and a knife in the dresser drawer of Jones' room and had expressed the opinion that they had been placed there to kill her if she (Mrs. Smith) should run in on them in the room together.

E. S. Jones, the white boarder, who is a cripple, was called to the stand. He said that he had lived with the Smiths for four years.

"Are you the father of the child this girl was pregnant with?" Solicitor Lecraw shot at the witness.

"No indeed, sir," was the vehement reply.

Detective Englebert, the last witness to be placed on the stand by the state, said that Mrs. Smith first told him that Clara had killed herself.

"I told her that I had handled too many of these cases and that I knew that girl didn't cut her own throat like that. I then said, 'you may as well come clean, Mrs. Smith, and tell me everything that happened.' Then I asked her 'Did she attack you with a knife or anything?'"

"'Must I say that?' Mrs. Smith said. 'I'm not telling you what to say,' I told her. I then suggested that she come down to police headquarters and make a statement how the murder happened," Officer Englebert ended.

In a longthy statement in her own defense, the white woman said that the morning of the murder Clara had called at her house and asked her for a nickle to get a box of snuff.

Defendant Talks

"Clara then started to gather up the clothes like she was going to wash, but I told her not to work. I left and went to the store but I didn't have enough money to get the snuff and she seemed worried about it.

"She turned and said she was going home and I went into the dining room. When I turned around suddenly I saw her coming on me with a long knife. She pushed me, knocking me on the stove.

"I grabbed her and began praying to Jesus to help me. Clara kept saying that I had come between her and a man. She cut off my breath for awhile. Then I hacked her and drew the knife across her throat. I fell as she fell. I pulled myself up to th sink and began calling Rosa.

"'Clara's killed herself.' I said. I actually felt like she had more to do with it than I did. This man Jeff Alford came up on the porch drinking and gave her a drink of whiskey. She acted like a crazy woman.

"Her eyes were wild and if I hadn't done it she would have killed me."

The defense rested its case with the statement of the defendant.

Solicitor Lecraw in his argument pointed out that the laws were for all society alike, and asked the jury to consider the case as if all parties concerned were of the same race.

In ending his argument, he demanded that Mrs. Smith be convicted of murder, which meant death in the electric chair in Georgia.

Attorney Moore, injecting the racial issue in the case, began his argument by painting a picture of "this poor little white lady in that big house all by herself with a crazy n—— woman trying to cut her head off."

Call 9-29-33

I. L. D. HEAD ACCEPTS INVITATION TO ATLANTA

NEW YORK, Oct. 3.—Answering a wire to him from Chief of Police T. O. Sturdivant of Atlanta, Ga., inviting him to "come in person" to protest against murders of negro workers by Atlanta police, William L. Patterson, national secretary of the International Labor Defense, today accepted what he termed the "cordial invitation" extended him.

"Your very 'cordial' invitation for me to come to Atlanta to present in person my protest in connection with the many instances of brutal police murders of innocent workers, with its thinly veiled threat of lynch violence against me, is accepted," Patterson wrote.

"By no stretch of imagination can Glover Davis, an unarmed, blind negro, be placed in the category of 'negro hoodlums'. The record of vicious murders of negroes by the Atlanta police is replete with names of both men and women who were unarmed and defenseless at the time of their shooting."

Negro Gets Life Term.

George Ray, negro, Thursday afternoon was given a life sentence by Judge [illegible] C. Pittman, of Cartersville, presiding in a special division of Fulton superior court. Ray was convicted of the murder of Honey Watts, who was stabbed to death with a knife on July 15. The jury recommended mercy.

AUTOIST IS GIVEN LIFE FOR KILLING OF NEGRO

GRIFFIN, Ga., Oct. 13.—(AP)—Cliff Butler, 35, of this city, has been sentenced to life imprisonment following conviction in Spalding county court on charge of running over and fatally injuring Clarence Nelms, a young negro boy.

Witnesses testified that the boy was riding a bicycle near Experiment on August 6. He was on the north side of the road, witnesses said, when Butler, driving on the south side, crossed the road and ran off the pavement, striking him. Butler then continued on toward Griffin without stopping, according to the testimony.

The verdict was returned yesterday, mercy being recommended.

AUTOIST IS SLAIN BY NEGRO DRIVER

Fatal Shooting Occurs in Filling Station at Hapeville; Killer Caught.

Joe Moss, 23, of 1439 Grahan street, was shot and fatally wounded at a filling station in Hapeville Sunday night during on altercation with a negro who, police said, shot him when Moss complained that the negro had driven his car too close to that of Moss while both were waiting to be served.

Wash Bryant, a Coweta county negro, ran from the scene after the shooting but Fulton county policemen captured him and charged him with the slaying.

The police were told that the negro cursed Moss when Moss cautioned him that his automobile was too close, and that when Moss remonstrated with him he reached in a pocket of his car, took out a pistol and fired three times at close range. One shot took effect in Moss' chest, resulting in death a few moments later.

Bryant ran from the scene, the police said, and was found after several members of hte negro's party declared that Bryant did the shooting.

Moss is survived by his parents, Mr. and Mrs. C. W. Moss; four brothers, Emmet H., Lewis, Roy and C. W. Moss, Jr., and four sisters, Mrs. S. A. Lekia, and Misses Susie, Alice and Bertie Moss. Members of the family said the dead man suffered injuries in a motorcycle accident about two years ago and had not been employed since then. He was accompanied by a man and a woman when he was shot, but the police did not immediately earn their names.

JURY INDICTS NEGRO IN SLAYING OF MOSS

Wash Bryant, negro, was indicted by the Fulton county grand jury Tuesday for the murder of Joe Moss a white man, in a filling station in Union City Sunday. It was reported that Bryant shot Moss as he approached the negro's car to demonstrate about the way it was being driven. The negro was captured by a group of citizens after a short chase in which Bryant's car was wrecked.

NEGRO FILES WRIT OF HABEAS CORPUS

Wash Bryant, Coweta county negro, held in Fulton tower in connection with the killing of Joe B. Moss 23, of 1439 Graham street, Sunday filed a petition Monday in Fulton superior court seeking his release on a writ of habeas corpus. Judge John D. Humphries set the petition for a hearing at 1:30 o'clock Wednesday afternoon. Bryant is represented by Attorney Reuben Garland. The killing took place at a filling station at Union City.

Funeral services for Mr. Moss will be held at 11 o'clock this morning at Spring Hill. The Rev. A. B. Couch will officiate and interment will be in Hollywood cemetery. Surviving Mr. Moss are his parents, Mr. and Mrs. C. W. Moss, four sisters and four brothers.

Negro Man Held On Murder Count

Charge Placed In Connection With Pastor's Death

AMERICUS, Ga., Oct. 30.—James Feagin, Negro, was arrested here today and is being held on a technical charge in connection with the death of Rev. V. W. McCranie, pastor of Bethel colored Methodist Episcopal church here.

The body of the pastor was found Sunday in a room of parsonage where he resides on Anchrome street, following a fire which destroyed part of the building. A bullet hole in his head indicated the minister had been killed, and led officers to investigate a theory that the fire was of incendiary origin.

Firemen called to the parsonage at 1 o'clock Sunday morning found the room in which McCranie slept in flames, the entire interior having apparently been soaked with kerosene and set on fire.

The body was not discovered until the fire had been extinguished and because of its badly burned condition, evidences of foul play were not discovered until after an examination by a local undertaker. A coroner's jury which investigated the affair returned a verdict to the effect that McCranie came to his death through unknown causes.

NEGRO CONFESSES KILLING NINETEEN

Grady Brooks Dies in Chair After Describing Series of Slayings

MILLEDGEVILLE, Ga., Oct. 27. (AP)—Two Negroes were electrocuted at the state prison today for murder of a Pickens county prison guard.

In the death chamber, one of the Negroes, Grady Brooks, 19, said he had murdered 19 persons in his lifetime, but was vague about details except in two cases, one for which he was serving sentence at the time he tried to escape, and the other the one for which he was electrocuted.

The other Negro who was electrocuted was George Zuber.

Brooks said that in a break for freedom from the Pickens county convict camp he overpowered one guard and took his gun, and shot Lee Lindsey as the latter tried to stop him.

Brooks Lists Homicides

He said that among other murders —for which he said he had no qualms—there was a Negro boy named "Howard," slain with a heavy bolt near Manchester in 1929; a Negro by the name of "Son," near Gay, Ga., a short time afterward; three Negroes on "Seventh street" in Philadelphia in 1927; two white men, slain in the Negro section of Philadelphia and left dead in an alley, in the same year; a white man in an automobile "close to the brick yard on the Chattahoochee river," near Atlanta—"I think his name was Marlin Gaze, or something like that —I read in the papers about him dying the next day after I shot him during a holdup"—and the slaying of a Negro boy named "Gene" in Atlanta.

Brooks said he was serving life for the slaying of Lizzie Irwin in Atlanta in 1931 at the time he shot the guard.

LIFE TERM GIVEN SLAYER OF NEGRO

Brown's Kidnaper Gets Additional Sentence as Result of Gun-Carrying Charge

ROBERTA, Ga., Oct. 27.—Walter Wheeler, Crawford county white man, was given a life sentence here today for the slaying of John Conner, Negro, last July. Wheeler allegedly shot the Negro down in front of the latter's home after telling him, "You talk too much."

Conner is believed to have discussed liquor dealing in the county.

A $250 fine, with the alternative of 12 months on the chaingang, was imposed in Crawford superior court upon A. L. Davis, convicted kidnaper of L. W. Brown, Americus business man. Davis and a brother, W. B. Davis, had previously been given sentences of from four to six years each on the kidnaping charges. The latest verdict was imposed on Davis for carrying a pistol, and for cursing in the presence of women in a store at Roberta.

The defendant allegedly pursued Brown into the store, gun in hand, when the Americus man jumped from his car in an effort to escape. Davis had entered the machine near Butler.

Negro Arrested Here In Jonesboro Murder

Charlie Harkness, 40-year-old negro, charged with killing Tolbert Gilbert, widely known Clayton county farmer, last August, was captured in a house on Newton street late Sunday night by Sheriff A. S. Adamson, of Clayton county, and Atlanta detectives.

Harkness was taken to Jonesboro under a charge of murder, the sheriff said. The negro was indicted for killing Gilbert by a Clayton county grand jury after half a dozen witnesses told of seeing the negro shoot the white man in the head with a pistol. Harkness was the object of a widespread search in which airplanes were used in an effort to locate him in a swamp.

Atlanta Detectives R. C. McGill and R. G. Pollard and Deputy Sheriff J. W. Chapman accompanied Adamson Sunday night to arrest the negro. He offered no resistance and readily admitted the slaying, the sheriff said.

Jury Takes 2 Minutes To Free Negro Slayer

Wash Bryant, Fulton county negro, accused of slaying Joe Moss white, was acquitted of a murder charge in two minutes Friday night by a jury in the court of Judge R. N. Hardeman.

The negro claimed self-defense in shooting Moss at a filling station on the Fairburn road near Union City several weeks ago. Two white witnesses and one negro testified that Bryant cursed Moss when the latter drove too near the negro's car in the service station, but Reuben Garland, Atlanta attorney, proved that Moss was killed as he advanced in a threatening manner upon Bryant.

The case was given the jury at 3:18 o'clock Friday night and a "not guilty" verdict was read before the court two minutes later. This is believed to be a record for a decision by a Fulton county jury in a murder case.

Alleged Slayers Must Face Jury

Murder Charges Against Sumpter Farmers to Be Heard

AMERICUS, Ga., Dec. 12.—Cliff Snider, Dave Mills, McKinley Jordan and Douglas Mills, white men charged with murder, and B. B. Mills charged with accessory before the fact, will go on trial in superior court here Monday.

The men are charged with the slaying of Henry Thomas, a Negro ex-convict, whose body was found in a car in possession of the white men. The killing is alleged to have occurred near Sumter in this county.

All of the defendants are in jail except B. B. Mills, who is at liberty under bail.

They are represented by Stephen Pace and J. A. Hixon, and the case will be prosecuted by Solicitor General Hollis Fort.

TWO ARE INDICTED IN NEGRO'S DEATH

Grand Jury Orders Gibson Brothers Held For Killing of Preston Vinson

While a coroner's jury was exonerating Sam Gibson and Raymond Gibson for killing Preston Vinson, the Bibb grand jury was indicting them yesterday, returning bills for murder.

All three of the men involved are Negroes. Vinson was shot by Raymond Gibson the night of Nov. 19, and died early yesterday morning. Coroner L. H. Chapman conducted an inquest yesterday morning and returned a verdict of justifiable homicide. Evidence showed that Sam Gibson accused Preston Vinson of taking five cents. Sam slapped Preston and Preston cut Sam. In the fight that followed Sam's brother, Raymond, shot the Vinson Negro.

In addition to finding a true bill against the Gibson brothers, the grand jury indicted another defendant for murder.

"Black Beauty" Named

Lucile Dennis, Negro maid who, as Black Beauty, figured in the death of Paul Barkley, young white man, after a fight on the steps of a lewd house last winter, was indicted for murdering him with a soft drink bottle. Previously she had been exonerated in the case.

Other grand jury indictments were as follows: Ed Little, Oscar Heard and Henry Hill, burglary; Willie B. Jordan, arson; John Thomas Neal, to murder; Luther Singleton, J. O. Cherry, using automobile without owner's consent; J. R. Whittington, Bob Ford, robbery.

The jury will reconvene Tuesday for committee, but will handle no more indictments until Jan. 5, it was announced.

Killings-1933

Georgia

NEGRESS BLAMED FOR MAN'S DEATH

Telegraph

Jury Calls 'Black Beauty' Murderess and 'Buddy' Tribble Her Accomplice

9-30-33

After spending several hours hearing contradictory versions of the events surrounding the fatal wounding of Paul Barkley in a brawl at 457 Oak street, a coroner's jury late yesterday afternoon charged Lucille Dennis, Negro maid in the establishment, with murder, and named W. E. (Buddy) Tribble, a young white man, as accessory after the fact.

Macon, Ga.

The Dennis Negress, known to police as "Black Beauty," had not been apprehended last night.

The jury had heard nearly a dozen witnesses and had visited the scene of the fatal encounter.

Many of the witnesses insisted that the Dennis Negress threw a soft drink bottle at Barkley as the latter was leaving the house, but one man, E. E. Davis, Cochran blacksmith, insisted that Barkley did not enter the house but was struck while a group of men and women were around him on the porch.

Davis also contradicted the statement of Tribble and his wife, Mrs. Jack Tribble, operator of the establishment, and W. E. Wilder, who had testified they were not at the house when the trouble occurred. Davis declared the three were among the crowd who rushed from the porch into the hall passed him, saying "a woman struck a man in the head with a bottle." The three, among others, ran from the house through the rear door, Davis declared.

The witness said they told him the woman's name but it was "a funny sounding name" and he could not recall it. Later in the evening he was told the Negress had thrown the bottle. He assumed he said, that the "woman" referred to when Barkley was first struck was the Negress.

Died In Cell

Barkley was struck shortly after 7 o'clock Sunday night. After treatment at the Macon hospital he was lodged in the police barracks on a charge of drunkenness. At 2:30 o'clock Monday a Negro prisoner found him dead in a cell. The cause of death, an autopsy revealed, was a fracture of the temporal bone in the head, caused by the blow from the bottle.

As the coroner's investigation which began Monday morning at 8 o'clock, was nearing an end yesterday afternoon, the victim's body was buried in a country cemetery, near Gordon.

Telegraph

In the morning the body was removed from the Burghard-Connaly funeral home to Milledgeville and in the afternoon it was taken to Ramer church, near Gordon, where funeral services were held. Barkley's young wife was among the group of mourners. She was prostrated with grief when informed of his death, but recovered sufficiently to attend the services.

9-30-33

Tribble's connection with the alleged murder was believed to be based principally on the testimony of Will Maddox, Negro, friend of Lucille Dennis. Soon after Barkley had been struck, Tribble advised her to flee from the officers.

"He (Tribble) told her she better go and not come back," the Negro said.

Macon, Ga.

Davis testified that Tribble and his wife were among those grouped around Barkley on the front porch of the home when Barkley was struck on the head.

Mrs. Tribble was recalled yesterday and she repeated the statement made on the day previous. She admitted, however, that she was "terribly drunk" and did not remember "all the details" of what happened. She insisted that she and her husband were not at home when the trouble occurred.

Conflicting Testimony

Davis' testimony clashed sharply in many points with the statement made by Mickey Doyle, a young woman from Cochran whom he said he intends to marry. On Sunday they came to Macon to be married and were visiting Mrs. Tribble, a friend of the Doyle woman, when Barkley was struck.

The Doyle woman said she was standing in the kitchen door at the rear end of the hall and had seen Barkley draw a knife and threaten the Dennis Negress. The maid fled to the kitchen and Barkley, with his companion, B. Whitehurst, started out of the house. A blonde young woman known to her as Bobby, but later identified as Mary Read, 300 Pio Nono avenue, held the front screen door open for them to walk out to the porch. Just as Barkley stepped through the door the Read woman opened the door wider and the Negress ran to the front of the hall and threw a bottle at Barkley, the witness declared.

Davis contended that he was sitting in a chair in the rear of the hall and that Barkley and Whitehurst "did not even get inside the house."

"All they did was stand on the porch and talk," he said. "Six or seven of the folks in the house went out there and the first thing I knew they all came running passed me saying a woman had struck a man out there."

Davis was positive that Barkley did not draw a knife on the Negress.

"I was sitting where I could have seen it if he had stepped into the hall and had pulled out a knife, and I didn't see anything like that," he declared.

"Didn't Hear Sound"

Whitehurst was recalled to the witness chair and he repeated his account of the encounter. He and Barkley had been in the house a few minutes when the Negro maid ordered them out and cursed them, he said. Barkley put his hand in a pocket but did not pull out a knife, according to Whitehurst. As they stepped out of the front door a bottle whizzed through the air and struck Barkley, his companion related.

The Read woman denied that the Negress threw a bottle through the screen door as she held it open for the two men to walk out.

"I didn't see any bottle or hear any sound," she related. "I went on out on the porch after them and saw one of the men on the ground beside the steps. His head had been cut open and someone said he had been hit with a bottle. They told me the Negro maid threw it but I certainly did not see it, and I was standing only a few feet away."

Tribble denied that he had any knowledge of the trouble "until it was all over" and said he was at a store some distance away when Barkley was struck. He also denied warning or helping the Dennis woman to escape.

Group Will Consider Protest on Killings

The police committee at a meeting June 29 will consider a communication from the Atlanta Branch, National Association for Advancement of Colored People to investigate alleged unwarranted killings of negroes by Atlanta policemen. The communication read in Council Monday and referred without defate, bore signature of A. T. Walden, president.

DIXIE COPS 'ON SPOT' IN SLAYING OF GLOVER DAVIS

Courier

9-23-33

1,000 People Crowd Atlanta, Ga., Church to Protest "Police Murders"—Forbidden to Speak, Preacher Offers "Strange Prayer"—Church Surrounded by Minions of Law.

(By Staff Correspondent)

ATLANTA, Ga., Sept. 21—The city of Atlanta took the palm for funerals here the other day, and staged what was termed "A Protest Funeral" with two intended speeches which were never made, due to the timidity of the pastor of Mt. Zion Baptist Church, Rev. J. T. Dorsey.

Here is how and why it all happened: Amazement raged to fever heat a few days ago when it was announced in the press that Glover Davis, a poor blind Negro man, had been brutally and ruthlessly killed by a policeman here in Atlanta.

This occasioned mass action against such brutality, and the United Front Provisional Committee met and planned what was termed "A Protest Funeral" as a protest against such reckless and brutal action on the part of the police department.

The United Front Provisional committee was composed of some 25 or 30 persons of both races. Dr. J. A. Martin, Sunday School literature editor of the C. M. E. Church, presided. The arrangements called for a display of placards on each of the cars in the processional bearing the following inscription in large letters: "END POLICE MURDER IN ATLANTA!"

Negro ministers of the city and leaders in the civic life of the city were notified. On the occasion of the funeral, two "protest" speeches were programed—the speakers being Drs. J. A. Martin of the C. M. E. Church and J. Raymond Henderson, outstanding Atlanta Baptist minister.

The two distinguished ministers were to express the attitude of Negroes and all law-abiding lovers of justice and fairness in their speeches at the funeral against needless and reckless shooting down of black men and women by Atlanta policemen.

Courier

9-23-33

The whole city was aroused. On the day for the "protest funeral," more than 4,000 persons gathered at the big Mt. Zion Baptist Church, scene of the funeral. The large church could not accommodate the crowd and thousands of aroused citizens lined the streets, some of which were almost blocked.

Pittsburgh Courier

The Atlanta police department was awake to what was on, and it is reported the police department had 70 uniformed policemen and 20 plainclothes officers at the funeral. They had placed around the big Baptist Church mounted "cops" armed with machine guns and tear gas bombs. The atmosphere was tense with excitement to say the least.

It is said that after the great throng of people had gathered in response to their leaders, the pastor of Mt. Zion Baptist Church, Rev. J. T. Dorsey, decided there would be nothing but a "strictly religious funeral," and expressed himself in words to that effect. He said, if there were an attempt to have anything else, he "would break up the whole thing."

This change greatly disappointed

the assembled throng which spread out in all directions after the church had been filled to overflowing. Drs. Martin and Henderson who were scheduled to deliver the two speeches of protest against "police brutality" were denied opportunity to speak.

So when the change in the scheduled program was made, presumably under fear and the intimidation produced by the unprecedented presence of policemen in such large numbers, and the alleged presence of machine guns in the hands of mounted officers as well as the tear gas bombs, the pastor of the church who had offender the funeral crowd by his change seemed to be getting by "without rocking the boat."

However, it was then suggested that Dr. J. A. Martin, one of the programed speakers, would be called upon to offer prayer. This was done, it is said and believed, to modify the apparent indignation of the assembled crowd at what was called by one leader "downright cowardice of the deepest dire, which was about to allow the opportunity for protest to go by unused." It was obvious that the assembled people were not inclined to be deterred by the presence of uniformed policemen and machine guns.

But the "praying" Rev. Martin was not to be outdone by the change from a speech of "protest" to a prayer. Instead, he took advantage of the occasion and offered a prayer that could not, would not, have been equaled by his planned "protest" speech which he never delivered. If he could not be allowed to say what he wanted to say in a "protest" speech, he could use—and he verily did a good job of it — his prayer and make it a "protest prayer." He proved that he was determined that since he could not say it to the people, he at least could say it to God in a prayer. And he verily did. Here's what the distinguished Atlantan said in what is destined to become an "Immortal Prayer":

"Lord, give us men who are not afraid to speak against and denounce police brutality, and their slaying Negroes, shooting them in the back while they flee arrest. Lord, give us an aroused church, both white and black, for such times as these—men, who despite mob violence, will stand upon the house top and cry aloud, even though the police force surround our churches and attempt to frighten us with machine guns, bullets and tear gas bombs. We need, Oh Lord, the True Prophet, one who is not afraid to die for a righteous cause, such as this even today."

At this point the audience interrupted the prayer with loud and long applause. Dr. Martin waited until the applause had subsided and then closed his prayer by saying:

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NEGRO MAN INDICTED IN WAREHOUSE SLAYING

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Citizens' Group Seeks To Aid Negroes' Plight

Disturbed by repeated reports of alleged police brutality in relation to negroes, a quiet meeting of Atlanta citizens was held at Wesley Memorial church Friday afternoon to canvass the situation and to consider what might be done to ameliorate the conditions complained of.

Many such cases, some of them involving homicide, were reported and discussed, and the conclusion was unanimously expressed that something should be done, if possible, to bring about a better attitude on the part of police toward the negro group. To that end a committee, composed of Dr. John M. Walker, Mrs. M. E. Tilly and Miss Josephine Wilkins, was appointed to represent the body, in cooperation with other interested organizations, in bringing the facts to the attention of the proper authorities.

Among those attending the meeting were Mrs. S. A. Dent, Mrs. M. E. Tilly, Dr. C. C. Jarrell, Dr. John M. Walker, Mrs. Jessie D. Ames, Miss Josephine Wilkins, Dr. Arthur Raper, Mrs. Margaret Good, Mrs. E. Marvin Underwood, Captain A. T. Walden, R. B. Eleazer, Mrs. W. O. Petty, Mrs. E. H. Mayes, Miss Annie Mai Broach, Miss Josephine Wilkins, Mrs. J. M. Daniel and Rev. W. S. Norton.

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More power to him and to his cause and still more power to him. Yes, "Jim" Martin has the editor's vote for anything he wants.

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Negro Slain While Staging Holdup; Man Resists Robbers and Gets Bullet Through Thigh.

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Sabersein grappled with one of the negroes in front of his store and the man fired at him four times at close range, one bullet taking effect in the thigh. He was taken to Grady hospital for treatment. The bandits fled after the shooting without getting any money. M. Zipper, manager of the store, and Clifford Benton, negro, who is employed by Sabersein, were held at bay by the second robber's gun when Sabersein resisted the holdup attempt.

Bandit Shot Dead.

Patrolmen R. C. McGill and R. G. Pollard, answering a call to 508 Edith street, N. E., appeared on the scene as the negro, Shepard, was holding Rutherford at the point of a gun. Shepard snapped the gun once at the other negro and attempted to fire it several times at McGill, who drew his own pistol and fatally wounded Shepard with one shot. The negro died at Grady hospital shortly after being admitted.

Caught with loot from the Biltmore Pharmacy, at West Peachtree and Sixth street, a few seconds after the place had been burglarized, Robert A. Spratlin, 24-year-old white man, who gave his address as 515 Griffin street, was being held on "suspicion" Sunday night.

Radio Patrolmen S. W. Roper and R. C. Tuggle said the plate-glass front window of the drugstore had been smashed, but that the burglar had not been able to enter the building through the opening. The robber got a number of articles from the window display. The officers arrested Spratlin a short distance from the scene and they said he had the loot in his hands.

Lunchroom Robbed Again.

For the second time in the last few weeks, the Teeny Weeny Lunchroom at 1003 Piedmont avenue, was robbed before he got up Sunday morning. by three negroes Sunday morning. The manager, D. H. Wilkes, said two of the bandits came to the counter, while the third sat at the wheel of their car. As he prepared some sandwiches for them, the two negroes placed a gun at his back and ransacked the cash register. They got $12. Wilkes said. On the previous occasion the manager frightened robbers away before they got any money.

Stanfield told police the swap was not a fair one.

Stanfield said he rented a room at 293 South Pryor street and shared it with a man named Haines. Before Stanfield awoke, the roommate departed with the Carrollton man's clothing, leaving his own in exchange.

W. C. Stanfield, of Carrollton, told police his bedmate stole his clothes and a third was being held on "suspicion" Sunday as police waged a war against a continued crime wave in Atlanta.

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Caught with loot from the Biltmore Pharmacy, at West Peachtree and Sixth street, a few seconds after the place had been burglarized, Robert A. Spratlin, 24-year-old white man, who gave his address as 515 Griffin street, was being held on "suspicion" Sunday night.

Radio Patrolmen S. W. Roper and R. C. Tuggle said the plate-glass front window of the drugstore had been smashed, but that the burglar had not been able to enter the building through the opening. The robber got a number of articles from the window display. The officers arrested Spratlin a short distance from the scene and they said he had the loot in his hands.

Lunchroom Robbed Again.

For the second time in the last few weeks, the Teeny Weeny Lunchroom at 1003 Piedmont avenue, was robbed by three negroes Sunday morning. The manager, D. H. Wilkes, said two of the bandits came to the counter, while the third sat at the wheel of their car. As he prepared some sandwiches for them, the two negroes placed a gun at his back and ran- sacked the cash register. They got $12. Wilkes said. On the previous occasion the manager frightened the robbers away before they got any money.

W. C. Stanfield, of 293 South Pryor street and shared it with a man named Haines. Before Stanfield awoke, the roommate departed with the Carrollton man's clothing, leaving his own in exchange. Stanfield told police the swap was before he got up Sunday morning. Stanfield said he rented a room at

W. C. Stanfield, of Carrollton, told police his bedmate stole his clothes

Killings - 1933

Georgia

Negro Is Shot Dead In Attack on Officer

Patrolman J. F. Nance Thursday afternoon shot and killed Tom Maxwell, negro of 191 Baker, N. E. when attacked with a billiard cue after the negro had seriously injured Joel B. Paris Sr., 65, of 950 Piedmont avenue, with the same weapon, according to police reports. Officers said that Paris was walking at Piedmont and Harris when stopped by the negro and told to "let me touch you with this stick so as to shoo the evil spirits away."

Paris demurred to the suggestion, and the negro beat him on the head with the cue, police said. Officers Nance and Eugene Head, called to the scene, caught up with the negro, who dared anyone to leave the police car, it was said. Nance got out to arrest the negro and was struck with the cue and knocked to his knees. As the negro tried to strike again, the officer shot him, police said. Paris is at Grady hospital. Maxwell's wife told police that he had been acting strangely during the last several days.

2 NEGROES JAILED IN GADLIN KILLING

One Alleged To Have Confessed Part, But Denies Firing Fatal Shot.

Two negroes were being held Sunday night by police on suspicion of having shot and killed Benjamin Gadlin, of 315 Capitol avenue, Saturday night.

Floyd South, 20, negro, of 70 Baker street address, was arrested by Patrolmen Ray Francis and S. B. Satterfield in a house at Old Wheat and Fort street late Sunday afternoon and taken to the police station where later he admitted having taken part in the holdup, but denied shooting Gadlin, according to police.

The second negro under arrest denied knowing anything about the slaying, it was said.

Gadlin, employed at the Auto Parts Company, at 332 Decatur street, was shot when he went back to the establishment Saturday night to feed two puppies. Witnesses said two negroes approached him at the front of the plant and, after demanding his money, fired at him one time. Gadlin tried to run and was shot at twice more, falling dead as he reached Fort street.

Both negroes arrested Sunday were held on suspicion.

Investigation of the case is in charge of Detectives E. W. Ginn and S. B. McGarrity, of the homicide squad.

Services for Gadlin were held at the chapel of Sam Greenberg & Company Sunday afternoon and burial was in Greenwood cemetery.

Negro Is Executed For Slaying Acree

MILLEDGEVILLE, Ga., May 19.—Johnny Todd, 18-year-old Greene county negro, was executed at the state prison farm here today for the murder of Willard S. Acree, rural mail carrier near Union Point last March.

Acree was in the act of placing mail in a box when he was fired upon twice from ambush. His skull was crushed with the butt of a shotgun and he lived only a day after the attack.

Todd confessed to the crime to Postoffice Inspector H. Ackerman, Sheriff W. A. Reynolds and Deputy Sheriff H. H. West, it was testified at the trial in Greene county recently. The Negro, however, repudiated the confession when he took the stand.

NEGRO FOUND GUILTY OF COLEMAN MURDER

Stark To Die for Crime for Which Robert Coleman Served Time.

JONESBORO, Ga., May 23.—Jim Stark, negro, tonight was found guilty and sentenced to die for the murder of Mrs. Robert Coleman. The woman, who resided with her husband and child in Clayton county, near the Henry county line, was slain when an intruder entered their house at night. Her husband, Robert Coleman, was accused of the crime and sentenced to life imprisonment. He was recently released from the Fulton county chain gang after a confession by Stark had cleared him of the crime.

On the stand today the negro repudiated his confession, stating that he had been held a prisoner in Fulton county for several days and that he was frightened into making it. Several Fulton county officers testified as to the circumstances under which the confession was secured.

The trial opened Monday and the jury received the cast late Tuesday afternoon, returning the verdict of guilty of first-degree murder about 10 o'clock Tuesday night.

State witnesses at the trial, in addition to the officers, were practically the same as those who testified at the trial of Robert Coleman.

The negro also tried to establish an alibi. He was defended by three prominent attorneys appointed by the court, O. J. Coogler and J. E. Mundy, of Jonesboro, and C. T. Hudgens, of Decatur. Claude Smith, solicitor, was assisted in the prosecution by Lawrence Camp.

Negro Repudiates Story of Killing

Stark Now Says He Didn't Slay Mrs. Coleman

JONESBORO, Ga., May 23 (AP)—Jim Stark, Negro today repudiated in a statement at his trial for murder, the purported confession which led to the release of Robert Coleman after the young white man had served four years on a life term for the slaying of Mrs. Coleman.

Shortly after Stark's statement the case went to the jury, and tonight the jury remained out with no indication of an early verdict.

Coleman was pardoned by Governor Talmadge after officers reported they had obtained the confession from Stark.

Today the Negro told the jury in his unsworn statement that he was frightened into saying he killed the woman. Several Fulton county officers testified to circumstances under which the alleged confession

HOMER C. FOSTER STABBED BY NEGRO

Councilman, Brother Attacked After Near-Crash. Condition Is Serious.

Homer C. Foster, 42, ninth ward councilman and member of the police committee, of 1209 Euclid avenue, Sunday night was believed to be in a serious condition from loss of blood and shock after being stabbed in the shoulder by a group of negroes while Foster was attempting to arrest them after they nearly caused him to have an automobile wreck. His brother, Edward Foster, 37, also was stabbed, but was not in a serious condition.

Both Councilman Foster and his brother are in Grady hospital. Their brother, Frank C. (Red) Foster, city detective and one-time partner of Police Chief T. O. Sturdivant, was killed more than a year ago by a negro bandit in his heroic defense of a Boulevard cafe against a holdup. Detective Foster, courageously drawing his gun and opening fire under the covering pistols of the bandits, killed one of the gang before he went down to his death.

Councilman Foster and Edward Foster were riding on Walker street when an automobile occupied by the negroes cut in front of their car so suddenly that the Foster car almost went into a collision, according to police reports. The negro car sped on and several blocks away it turned into an alley, with the Fosters following.

In the alley, the negroes turned and attacked the Fosters with knives, inflicting deep cuts in the shoulders of both men. The negroes then fled.

There were four negroes in the party, all of whom were drunk, it was said. The negro car had just sideswiped another car before zigzagging into the path of the Foster machine, police said. The cutting started when Councilman Foster, grabbing the driver of the negro car in Loew's alley, placed the negro under arrest, according to police.

Taken to Grady, Councilman Foster was found to have suffered the loss of so much blood that steps were taken toward giving him a transfusion but physicians decided not to undertake the operation Sunday night.

Police Sunday night were searching the Walker street section of the city in the hope of locating the negroes.

Negro Gets Life Term.

Percy Jones, negro, charged with the slaying in April of Erwin Owen, white, a Bible salesman, Thursday entered a plea of guilty in superior court and was sentenced to serve life imprisonment. Owen was stabbed to death in an alley off of Mitchell street and Jones and another negro were arrested and indicted for the crime. The second negro, Will Shager, is awaiting trial.

NEGRO RESISTS ARREST, IS SLAIN BY POLICEMAN

Clifford Davis, sought for the murder of another negro, was shot and killed Tuesday by Patrolman I. P. Jones when the negro attempted to draw a gun in a vacant house at Boulevard and Irwin streets.

Claude Montgomery, negro, of Tattnall street, was slashed to death and while police were searching for Son Yancey as Montgomery's assailant, Yancey reported for treatment of knife wounds at Grady hospital. Yancey said he was stabbed in a free-for-all cutting affair. Other negroes shot were Bruce Davis, of Magnolia street, and Mozelle Hayes, of Chappell street, both with shotgun slugs.

J. B. Carter, of 212 Woodward avenue, received treatment for a gunshot wound in the leg he said he received at McDaniel and Glenn streets.

Reward Is Offered For Negro Slayers

SOPERTON, Ga., June 3.—Governor Eugene Talmadge has offered a reward of $300 for the arrest and conviction of Buddy Canady and Guy Canady, negroes, who on Monday, May 21, are alleged to have killed Eschol Underwood and seriously wounded his brother, Henry Underwood, at a Negro church near Soperton. The Underwood boys, sons of Morris Underwood, prominent planter of Treutlen county, engaged in an argument with the Negroes, which culminated in the instant death of one and serious injury of the other. Both young men had several pistol wounds. After the shooting the shooting the Negroes made their escape.

DAVIS CONFESSES AND DIES IN CHAIR

Negro Takes Guilt of Four Murders Before He Is Electrocuted.

MILLEDGEVILLE, Ga., June 14. Rader Davis, negro, who confessed to a life of crime, including four murders, went to his death in the electric chair here this morning for the murder of Mrs. Sam H. Henderson, of Atlanta. After the death cap was placed he asked for its removal, and for the first time confessed himself guilty of the crime for which he was convicted.

One of the other murders to which he confessed was that of Hamp McGee, Atlanta taxi driver, slain through a window as he was shaving. Emmett Gibson, another negro, has been convicted of this and is under the death penalty, but has appealed to the state supreme court for a new trial. Gibson's attorneys, Frank Bowers and James A. Venable, were in the death room and obtained a signed affidavit.

Davis also said that he had killed a white man by the name of Stanley and a negro by the name of Charlie Byrd in Rockdale county. He had maintained that his uncle killed Mrs. Henderson until after the death cap was placed on him, but asking for its removal he confessed.

There were about 30 witnesses to the execution, including several Fulton county officers, Sam Henderson, husband of the slain woman, who was wounded at the time she was murdered, and four of her brothers. Davis went to his death at 10:50 a. m., eastern standard time.

WOMAN ARRESTED IN DEATH OF NEGRO

Mrs. Bertha Virginia Smith, 45, of 563 Peters street, Tuesday night was held by police on suspicion in connection with the fatal cutting of Clara Wallace, negro woman, of 565 Kennedy street, who formerly worked for Mrs. Smith. The negro woman's body was found in the home of Mrs. Smith, who, detectives said, admitted cutting her. Detectives D. T. Barge and Dick Englebert are investigating.

POLICEMAN ACCUSED IN SLAYING OF NEGRO

Savannahan Bound Over to Grand Jury on Murder Charge.

SAVANNAH, Ga., July 15.—(AP) W. G. Carpenter, city policeman, was held for grand jury action on a charge of murder following a preliminary hearing in police court this morning into the death of William Nathaniel Spell, negro, who was fatally wounded by a pistol in the hands of Carpenter.

The police officer in his statement to the court said the shooting was accidental, reciting that he had stumbled on a stone and that the pistol accidentally discharged as he caught it when it bounced from the holster at his belt.

There was conflicting testimony in the case, two of the state witnesses testifying that Carpenter shot the negro. In announcing his decision, Judge Mercer Jordan reviewed the conflicting evidence and stated that the testimony of the state's witnesses made out a prima facia case of murder.

Whether Carpenter will be released on bond pending action on the case by the grand jury will be for Judge Peter W. Meldrim to decide. Application will be made.

When Judge Jordan announced his decision, Carpenter's wife, who was a spectator, screamed and fainted. She was carried from the courtroom.

Athens, Ga., Banner-Herald
August 2, 1933

JUSTICE FOR THE NEGRO

The oft repeated charge, from some sections of the country, that the negro does not get justice in the courts of the South is fully answered by the action of Judge John B. Hutcheson in granting a new trial in the case of John Stark, a self-confessed murderer.

Several years ago, a white woman was murdered in Atlanta. Suspicion of the crime rested upon her husband. He was tried, convicted and a life sentence was imposed. Early in this year, a negro, John Stark, was arrested by officers in Atlanta, on a general charge of suspicion. While in jail the negro volunteered a confession that he had committed the murder for which the white man and husband was serving a life sentence. Stark was tried on the charge and without evidence, he volunteered a confession of guilt. A life sentence was imposed on the negro and Governor Talmadge pardoned the white man. Last week, lawyers, representing the negro, carried an appeal of his case before the trial judge based on the provision of the penal code that a "confession alone, uncorroborated by other evidence, will not justify a conviction." Judge Hutcheson immediately granted a new trial.

It is not a question as to the guilt of the negro, but it is a question of setting at rest the oft-repeated charge that the negro does not get justice in the cours of the South. The action of Judge Hutcheson is to be commended, of course, but it was not an unusual occcurrence. Cases of similar character are common in the courts of Georgia.

Valdosta, Ga., Times

July 17, 1933

FOUR HELD IN NEGRO'S DEATH

Sheriff of Sumter County Announces Arrests; Says Men Lured Negro Away

FROM HIS WORK

AMERICUS, Ga., July 17, (AP)—Sheriff W. P. McArthur of Sumter county has placed four white men in jail here under charges of murder in connection with the death of a negro, Henry Thomas.

The men are listed as Cliff Synder, Kenneth Jordan, Douglas Mills and Dave Mills.

Sheriff McArthur said the body of the negro was found in an automobile parked in front of the J. A. Mills, Sr., home near here Friday night.

Officers said the negro was lured from the farm on which he was employed and killed.

Atlanta, Ga., Constitution

July 15, 1933

Negro Prisoner Admits Killing Fayette Woman

Bill Garner, alias Archie Denton, a negro arrested near Jonesboro Friday morning and brought to Atlanta for safekeeping, later in the day signed a written confession in the office of Assistant Solicitor John H. Hudson to the murder of Mrs. Eva Evans, wife of L. A. Evans, a Fayette county deputy sheriff, on January 15.

The negro, formerly employed by Evans, was arrested on suspicion in a burglary attempt on the farm of W. E. Harp, near Jonesboro, Thursday night. He shot Mrs. Evans with her husband's pistol when she surprized him burglarizing the home.

He said that he was a friend of Rader Davis, negro electrocuted for the murder of Mrs. Sam H. Henderson, and that Davis waited behind a hill for him while he attempted to burglarize the Evans home. Before he was electrocuted Davis had told the officers that he did not know the negro's name, but that he knew who killed Mrs. Evans and described the crime.

TWO BROTHERS HELD FOR SHOOTING NEGRO

McDONOUGH, Ga., Aug. 19.—Paul Chamlee, 20, and his brother, Melvin Chamlee, 18, of Greenwood, Henry county, were lodged today in the Henry county jail to await developments in the shooting of Henry Stilwell, negro, of the same community. According to a statement issued from the office of Sheriff L. D. Hightower, the trouble, leading to the attack, was due to the alleged theft of an automobile tire. It is said that the machine belonging to the two youths broke down in front of Stilwell's home on Saturday night. When they returned on Sunday for the car, the tires and generator box had been removed. A search during the week revealed the tires in Stilwell's home. When an attempt to take them was made, a scuffle between Chamlee and the negro resulted in the shooting. Both boys are held without bond.

Big Crowd Attends Funeral Rites For Blind Negro Shot by Policeman

A detail of 40 or more policemen and plain clothes men headed by Chief T. O. Sturdivant Monday preserved order at what was scheduled to be a "mass protest funeral" for Glover Davis, blind negro, killed by an officer several days ago when he was found in his residence at 450 Ripley street allegedly with an ice pick in his hand. Officers said they believed him to be threatening their lives when they fired.

A dodger calling on white and colored persons to protest "the killing of negroes by policemen" had been broadcast in several sections of the city. Chief Sturdivant personally headed a cordon of policemen which surrounded the Mt. Zion Baptist church at Piedmont avenue and Baker street.

Though a large crowd of negroes was overflowing the church, no disorder was evident. That part of the crowd which could not wedge into the church stood silently along the sidewalks while a preacher conducted the ceremony.

In the crowd of spectators were a dozen or more white people. Several were brought out by plain clothes men and questioned, and one, who gave his name as O'Jellow, was taken to the station and locked up charged with distributing pamphlets calling on "white and colored people to stop this killing of negroes by policemen."

O'Jellow gave his address as 121 Cone street.

Those brought out of the church by officers were searched for literature and warned personally by Chief Sturdivant to remain "away from negro funerals in the future."

Davis was shot by a policeman several days ago when a call reporting a fight at his residence came in. When officers entered they found Davis they said, running around the room with an ice pick in his hand and one of them shot, fatally wounding the negro, before they learned he was blind.

I. L. D. HITS ACQUITTAL IN SHOOTING OF NEGRO

Protest by William L. Patterson, national secretary of the International Labor Defense, of New York, against the court freeing of Patrolman O. W. Allen in the fatal shooting of Glover Davis, blind negro, Saturday was answered by Chief of Police T. O. Sturdivant.

Patterson wired Chief Sturdivant that "the I. L. D. protests the brutal act of your courts in cynically justifying the murder of blind Glover Davis by Patrolman Allen as self-defense. Only a lyncher will believe that. The facts are being exposed nationally. We demand immediate arrest, prosecution and application of the death penalty for Allen and all other lynchers."

Chief Sturdivant replied: "You are cordially invited to come to Atlanta and present your protest in person in connection with instances in which police officers are forced in self-defense to kill negro hoodlums."

In commenting on the answer, Chief Sturdivant said that "we are not going to have any communistic activities in Atlanta. If necessary we will resort to every known measure to prevent such a state of affairs." He expressed himself as incensed at activities of communists in the city.

Killings-1933

Georgia

Reversing Tradition

In Bainbridge, a Negro has been arrested for killing a white man who, it was alleged, was trying to steal his chickens. The case reverses the tradition that it is the Negro who is the chicken thief. As a matter of fact, a study of statistics made some time ago by the Inter-Racial Commission disclosed that in Houston, Texas, where the study was made, the white man stole chickens at the ratio of our seven to one over the Negro. Realizing the impossibility of ever upsetting a popular notion, or a legend, once it takes hold, a Negro with a sense of humor suggested that the more frequent arrests of white men might indicate a better technique on the part of the Negro.

NEGRO GOES FREE IN BURGAMY CASE

Howard Discharged in Killing After Commitment Hearing in Bainbridge

BAINBRIDGE, Ga., Jan. 18.—Judge D. R. Bryan Tuesday dismissed a charge of murder against Namon Howard, Negro man of West Bainbridge, growing out of the killing of Otto Burgamy, white youth, found dead just outside the chicken yard of Howard Early Sunday morning.

More than 20 witnesses were used at the committal trial. The evidence showed that boards had been torn from the fence and coop of the Negro and that chickens had been turned out.

Negro Out of Breath

G. F. Battles, Howard's employer, testified Howard was out of breath when he came to him shortly after midnight to tell him he had killed some one, but had not looked to see who it was.

Testimony also revealed that Mrs. Lena Sexton of Bainbridge, had also fired at some one in her chicken yard the same night and that a coat was found nearby which witnesses said was later identified as Burgamy's by his mother. On the stand however, the mother testified the coat was not her son's.

A bad criminal record for Burgamy was also revealed at the trial. Many of the best known white men in the county testified of Howard's good character and of his war service. The mother also said Howard had been selling whisky to her son, but this was denied

Negro Shot Dead; White Man Held

Killing in Macon County Investigated by Coroner

MONTEZUMA, Ga., Jan. 14.—Emmett Gouche, Negro, was shot and killed Friday night in the house of Lee W. Hill, a white man in the Garden Valley district, Hill's shotgun being used.

Hill told a coroner's jury that the Negro shot himself. The coroner's jury, however, held that the wound was not self-inflicted.

Hill was arrested and placed in jail at Oglethorpe. A commitment hearing will be held later.

WHITE MAN IS JAILED FOR DEATH OF NEGRO

MONTEZUMA, Ga., Jan. 14.—Emmett Gouche, a negro of the Garden Valley district, was shot Friday night in the house of Lee Hill, a white man, with Hill's shotgun. Hill claimed the negro shot himself, but the coroner's jury verdict was the wound was not self-inflicted.

Hill was arrested and placed in jail in Oglethorpe, pending further investigation.

Negro Freed in Death Of Bainbridge Youth

BAINBRIDGE, Ga., Jan. 17.—(AP) Namon Howard, negro, who shot and killed Otto Burgamy, white youth, early Sunday morning, was released after a commitment hearing before Judge D R. Bryan here this morning. Charges of murder had been preferred against Howard by Enoch Jones, a half-brother of Burgamy.

MURDER IS CHARGED TO BAINBRIDGE NEGRO

BAINBRIDGE, Ga., Jan. 16.—A warrant charging Namon Howard, negro, of West Bainbridge, with murder was sworn out Monday by Enoch Jones, half-brother of Otto Burgamy, 20-year-old white youth, who was found dead early Sunday morning. Howard was jailed immediately after he had notified Sheriff W. J. Catledge that he had shot someone but was being held for further investigation. Howard asked for a committal trial and it was granted. It will be held Tuesday morning. Funeral services for Burgamy were held Monday

MACON, GA.
TELEGRAPH
JAN 17 1933

Reversing Tradition

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White Chicken Thief Is Shot Dead Breaking Into Negro's Hen Coop

BAINBRIDGE, Ga., Jan. 15.—Namur Howard, negro, was lodged in jail here early this morning by Sheriff W. J. Catledge after Otto Burgamy, young white man, was found dead at the entrance of Howard's chicken coop near his home in West Bainbridge.

Boards had been torn from the coop and chickens were fluttering over the yard. Howard told officers he heard a noise in the chickens and shot when he saw a man breaking in.

He came to Bainbridge to notify G. F. Battles for whom he works and Battles in turn notified the sheriff. Burgamy was found shot through the heart with a pistol.

Associates of last night told the sheriff Burgamy was drinking. No warrant has been issued for Howard, but Catledge holds him for further investigation.

Burgamy is survived by his wife, his mother, Mrs. Newt Holland; one sister, Mrs. Grady Johnson, and one brother, Enoch Burgamy.

Negro Sentenced to Electric Chair

NEWTON, Ga., Feb. 4 (AP)—The death sentence has been passed on Ed Robinson, a Negro, for the murder of Deputy Sheriffs Copeland Jarvis and Bill Long in their raid on a gambling game near Milford late last year.

Robinson was convicted in Baker County Superior court and March 24 was designated for his death.

Two other Negroes were indicted jointly with Robinson but they have eluded arrest despite a price of $600 on the head of each.

Pinehurst Negro Shot Four Times

A Pinehurst Negro, who said he was shot in an argument with a white proprietor of a pressing club was near death at the Macon hospital Monday night.

Four bullets pierced the body of the Negro, Warren Jackson, 35, and little hope was held for his recovery. Two of the bullets entered his abdomen, causing several perforations; another struck his thigh and another his arm.

Jackson was brought to the hospital by a white man and two Negroes who said that they had picked him up in Ocilla where friends had brought him to a physician's office. Their names were not learned.

Hospital attendants said Jackson told them that he had been shot during the argument with the pressing club operator but that he did not tell them the white man's name. The shooting occurred about 4 o'clock in the afternoon and he reached Macon more than five hours later.

Columbus Grocer Slain in Holdup

Woman Walks in as Shot Is Fired and Negro Flees

COLUMBUS, Ga., Feb. 19 (AP)—John Pope, 45, grocer, was shot and fatally wounded in his store here Sunday night by a young unidentified Negro believed by officers to have intended to rob him.

The Negro fired and fled just as Miss Ethel Russell, who operated the store jointly with Pope, walked into a side door.

Miss Russell said that just before the shot she heard Pope say, "Don't do that."

The grocer was unable to give a coherent account of what occurred, but police said they believed from the fragmentary story he was able to tell that he had tried to dissuade the Negro from shooting him, and the Negro fired while Pope held up his hands in surrender.

Pope died in a hospital about two hours after he was shot.

bbed by Negro, Man Is Near Death

Stabbed near the heart by a negro man, Doyal Barnes, white, of 529 Washington street, was in Grady hospital in a critical condition Monday night, according to attaches. The knife penetrated a lung near the heart, it was said.

Barnes was said to have been attacked by a negro named Wilburn Bynum, of 80 1-2 Decatur street, on Decatur street near Piedmont avenue, according to police. Police were unable to find the reason for the altercation and Bynum had not been apprehended Monday night. Barnes is a painter.

Prisoner, Grilled, Also Admits Part In McGee Slaying

Rader Davis, 26, Gives Gruesome Details of Henderson Killing and Tells of Murder of Rockdale County Farmer.

GIBSON CONFESSES SLAYING TAXI MAN

Negro Breaks Down After Accomplice's Admission; Davis Is Captured After Exciting Chase.

Rader Davis, 26-year-old negro who told county police he lived at 22 Pitts road, early Sunday night confessed to slaying Mrs. Sam H. Henderson and wounding her husband and infant son, and to the killing of W. E. Stanley, 78-year-old Rockdale county farmer, and admitted that he was with Emmett Gibson, another negro, when the latter shot and killed Hamp McGee, hermit taxi operator, who lived in West End.

Confronted by officers with the Davis confession, Gibson, who has been held as a suspect in the Henderson case since February 21, confessed late Sunday night to killing McGee. Both negroes are being held in Fulton tower on murder charges.

Davis' confession came at the end of a long grilling by Lieutenant W. A. Wells, Captain J. C. Oliver, Patrolman Jack Carroll and Cal Cates, of county police, and Captain W. J. Joyner, Fulton county deputy sheriff, who began questioning the suspect following his sensational arrest in an unoccupied house on the Campbellton road Sunday morning.

Sought in Stanley Death.

Although less serious charges had been piled up against him in the previous 24 hours, officers primarily sought Davis in connection with the killing, Friday, of the elderly Rockdale county farmer whose body was found buried beneath straw. He had been arrested after a chase by several hundred citizens of West End and after the Rev. A. C. Peacock informed that a suspect had been seen in the neighborhood with a shotgun, had adjourned church services and sent the men of the congregation home after their guns.

County police Sunday night said that Davis' confession to the slaying of Mrs. Henderson, the shooting of her husband and the all but fatal clubbing of their 2-year-old son with the stock of the shotgun fired at the parents, came "out of a clear sky."

Confession Is Surprise.

This is how it happened:

Davis, with charges of attempted murder, robbery and burglary against him, had denied any connection or knowledge of the Stanley killing.

Confronted with Emmett Gibson, another negro held as a suspect in the Henderson and McGee killings, Davis admitted knowing Gibson and glibly told police that the latter was the man who killed McGee. He gave no further explanation of that murder at the time.

"Where," Lieutenant Wells asked him then, "did you get the shotgun you threw out from the A., B. & C. tracks several days ago?"

"Oh," Davis responded, "that was the gun I killed that man and his wife with."

Until Sunday night, officers said, the negro believed that he had killed both Henderson and his wife. He explained his trip to the Henderson home and the attack on the family this way:

Tells of Entering House.

"I went there after midnight and knocked a window out with the stock of the gun and climbed through into the bedroom. I first covered them with the gun and asked about the money. When he told me it was on a dresser I went over and gathered up the bills and what change I found and put it in my pocket. Then I shot the man.

"About this time," the negro continued, according to the police officers, "the baby started crying. I picked it up and carried it into the kitchen and gave it a drink of water. I came back and the woman begged me to let her have the child in bed with her. I put the baby in the bed and then decided to shoot the woman.

"When I had done this, I shot Henderson again. It was raining hard outside and I stayed at the house for an hour, maybe longer. When I finally started to leave, the baby started to crying again and I took the butt of the gun and struck it over the head a few times."

Gibson's confession came easily enough after he had been told that Davis admitted the Henderson and Stanley slayings and said that he (Gibson) fired the shot that killed the taxi driver.

According to County Patrolman Jack Carroll, Gibson shot McGee with the latter's own gun which had been stolen from the house about four weeks before. This gun, Carroll said, had been stolen by Davis from McGee's house about four years ago. Davis was convicted of the crime and served part of a chaingang sentence as a result.

Davis gave officers few details of the Stanley killing, other than to say that he shot the aged farmer, wrapped his body in some sheets and took him a short distance away and buried the body under some straw. When he surprised the police with his abrupt confession of the Henderson slaying and shooting, they pressed the investigation of this crime and returned to the Stanley killing later.

Worked for Stanley.

Saying that he had worked for Stanley at one time, Davis told the officers that he went there last Tuesday morning about 7 o'clock, walked into the house and shot the elderly man while he was lying in bed.

He explained that he took the bloody sheets off the bed, wrapping the body in other bedclothes, and carried them off to bury. He subsequently returned and took the body into the woods and buried it under the straw. He says he got $20 from the Stanley house.

Davis added that he remained at the house the rest of the day, leaving there at about 6 o'clock Tuesday evening in Stanley's automobile. Next day, when he tried to sell the car in East Point, a prospective purchaser began asking questions about the gun and clothing in the rear of the machine and the negro ran. The car was identified as that of Stanley and two days later his body was found.

After he had cleared up this killing, which was not definitely known until the body was discovered early Friday morning, the officers took the negro back to the McGee slaying.

Says Gibson Killed McGee.

Insisting that Emmett Gibson fired the shot that killed the taxi driver, known well in the West End section, Davis said that the two of them went to McGee's house on Dollar road before midnight and remained secreted for an hour before approaching the side of the house on which they knew McGee slept.

Gibson, Davis said, put the gun through the bedroom window, shooting the taxi driver down as he stood in his room preparing to retire for the night. The two, Davis continued, went into the house and took the $10 they found in McGee's pockets, along with his gold watch and a pistol.

After making a clean breast of the Henderson and Stanley killings, and of his part in the McGee slaying, Davis piled up his crime record with the admission that he was the negro who held up Mr. and Mrs. Ed Dunn, in Cobb county, several nights ago and robbed the couple of $3 and a shirt. The shirt he had on when arrested Sunday morning, police said, was the one stolen from the Dunn home.

Threw Guns in Weeds.

Neither were injured but it was shortly after this holdup that Davis appeared in the West End section offering to sell a shotgun. Citizens of the section were stirred over this report and in his haste to get to other territory Davis threw the gun in the weeds off the A., B. & C. tracks.

He stoutly maintained that he shot Henderson with the Henderson gun, recently identified by the father of the young man, and shot Mrs. Henderson with his own gun. He says that he buried the Henderson gun, after the shooting on Saturday morning, off the Cascade road and went back Tuesday and recovered it.

Preacher Leads Chase.

After an exciting chase which began when Rev. A. C. Peacock adjourned the Sunday morning service of the Central Christian church, and after he had been fired upon several times and wounded in the leg, Davis was arrested by West End citizens and turned over to county officers.

Sheriff L. D. Hightower, of Henry county, said Sunday afternoon that he had witnesses who said that Davis, also wanted on several other charges, had carried clothing to the home of another negro in that county which was later identified as having been stolen from Stanley's home.

Arrest Follows Holdup.

Davis' arrest Sunday morning followed his holdup of Will Garrison, negro living a short distance off the Pitts road, and robbing him of $15 at the point of a shotgun which he later dropped when running to cover in an unoccupied house not far off the Campbellton road, where Lyman W. Pelot and Everett J. Steckel, members of a posse which gathered after church adjourned, seized him. They turned him over to Captain W. M. Mayo, chief deputy sheriff, and John Wallace, another deputy.

Several shots were fired at Davis during the chase, county officers said, and while between 300 and 400 people were gathered not far from the house in which the negro was found the officers had no difficulty in removing the prisoner to the tower. About a mile away, officers said, on the Cascade road, another posse of approximately 500 also was engaged in a search. It is in this part of West End that Hamp McGhee, hermit taxi driver, and Mrs. Sam Henderson were killed recently, supposedly by burglars.

Davis was first observed Sunday morning, with the single-barrel shotgun, by Charlie Pourron, who is a national guardsman living on the Campbellton road. Pourron drove at once to the church and told the pastor, who also is a deputy sheriff, of what he had seen and what he suspected. The preacher-deputy halted his sermon and told the men in the congregation to go home and get their guns and join him in the hunt.

Davis was first sighted on Bankston road and pursued until arrested in the unoccupied house.

Besides the holdup of the other negro, he is wanted also, county officers said, for shooting Jim Smith, another negro, in a holdup Saturday night and for burglary and attempt to murder Bob McDaniel, also negro, who charged Davis with stealing a cow.

Gibson, still held as a suspect, was carried before Henderson, wounded when his wife was shot to death, but not identified.

Search Is Continued For Henderson Killer

While citizens of West End were perfecting a committee of vigilantes and officers continued their search for a fiendish slayer, Sam H. Henderson and his two-year-old son, Sam Jr., were reported as improving from wounds dealt when a burglar entered their isolated little home week before last, killing Mrs. Henderson with a load from the family shotgun and then shot her husband through the shoulder and neck. Before he left the shambles, the burglar, believed to have been a negro, clubbed the boy with the gun stock.

A mass meeting of West End citizens was held at Cascade Heights school Sunday and George L. Wilson, real estate dealer, was elected as president of the vigilantes. While the club will submit resolutions to law-making and enforcement organizations, they will rely upon their own direct action for protection. A tentative plan calls for division of the area into districts, each to have its own chairman and a census of residents.

Another suspect was arrested on Hollywood road Sunday but he was freed when Henderson said the negro was not his assailant.

Killings - 1933
6

Georgia.
2

FARMER IS SLAIN IN BRUTAL CRIME

Macon Telegraph
3-4-33

Body Is Buried in Shallow Grave in Henry County; Negro Being Hunted

Macon, Ga.

CONYERS, Ga., March 3 (AP)—Posses of officers and citizens Friday night were searching for a Negro officers said would be charged with the slaying of W. E. Stanley, 78, a farmer who lived alone at his home 10 miles from here.

Stanley's body was discovered Friday beneath straw and bricks in a shallow grave near his home after the actions of a Negro aroused suspicion and Sheriff L. D. Hightower went to the Stanley home to investigate. A coroner's jury found Stanley had come to his death at the hands of parties unknown.

Negro Is Known

The sheriff said the Negro had attempted to trade an automobile at an agency in East Point, Ga., and the presence of a shotgun and rifle with several suits of clothing in the car aroused suspicion. When questioned the Negro ran.

Sheriff Hightower said the automobile was identified as that of Stanley and, he went to the home where he found the body. Stanley had been shot with a shotgun and a rifle.

Officers said they knew the name of the Negro who left the automobile at East Point and his arrest was expected shortly.

ATTORNEYS APPOINTED FOR COLUMBUS NEGRO

Judge C. Frank McLaughlin, of Muscogee superior court, Columbus, announced Sunday night that George C. Palmer and Ed Wohlwender Jr. had been appointed attorneys for Andrew Hunt, 22, negro, who is accused of the slaying of J. R. Gamble, Columbus grocer, February [illegible].

Hunt, who was removed to Fulton Tower here shortly after the slaying, was taken to the Bibb county jail at Macon last week and returned to the Columbus jail Saturday night. While he was being detained here he admitted killing Gamble, but claimed that the slain man's widow offered him $200 to kill her husband. He said he was not paid the amount allegedly agreed upon. The date for his trial has not been set.

NEGRO SHOT TO DEATH AFTER CHASE BY POLICE

Columbus
2-12-33

One negro was killed, one escaped and one was captured late Saturday night by police after a wild chase through the north side, according to police reports.

Motorcycle Officer Y. [illegible] Beeslin reported that he became suspicious of a car full of negroes which tried to run him down on Marietta street at North avenue and fired four shots at the tires. Shortly thereafter a negro named Enos Jackson, 19, of 510 Lovejoy street, was thrown from the car, fatally wounded in the stomach by a bullet another negro, John Henry Thomas, of 510 Lovejoy street, said was fired by the officer. Thomas is being held by police. Robert Lee Herd of a Fowler street address, driver of the car, was taken to Grady hospital after he had been captured, for treatment of cuts about the head. He escaped while being treated.

Thomas said several other negroes were in the car but they were not caught by police.

TWO MURDER TRIALS SET FOR THIS WEEK

Columbus
2-13-33

Two murder trials are slated for hearing in superior court this week. The first on Tuesday will be that of Wilburn Barnum, negro, charged with the murder on January 30 of Doyal Barnes, a white man of a Washington street address. He will be tried before Judge C. C. Pittman. On Thursday, before the same judge, Hosea Patrick, negro, charged with the murder of Ray Shell, another negro, last June, will go on trial a second time. His first trial resulted in a locked jury.

NEGRO IS [illegible] IN DEATH OF BARNES

Columbus
2-15-33

Wilburn [illegible], negro, tried Tuesday in Judge E. E. Pomeroy's court on a charge of murdering Doyal Barnes, a white man, was fatally stabbed under the Washington street viaduct on the night of January 30. was convicted of manslaughter after the jury had considered the case for two and a half hours. Sentence was imposed Tuesday night. Barnes refused to name his assailant before he died.

WIDOW OF GAMBLE CLEARED BY JURY IN MURDER TRIAL

Columbus Enquirer
3-26-33

Montgomery Advertiser

Muscogee Jury Acquits Woman of Charge She Hired Negro To Kill Husband.

COLUMBUS, Ga., March 25.—(AP) Mrs. Ruth Gamble was freed today of charges of complicity in her husband's murder.

A superior court jury that heard evidence in the trial for two days acquitted the middle-aged widow and mother of two children after deliberating the circumstances for about three hours. The case went to the jury at 1:40 and it returned the not guilty verdict at 5:05.

The state charged Mrs. Gamble hired a negro to kill her husband, promising to pay $200 for the crime when she collected his insurance. The negro has pleaded guilty to the murder.

Judge C. F. McLaughlin charged the jury only on the law of murder and of acquittal, disregarding any possibility of a verdict of manslaughter.

A. Jones Perryman, solicitor-general, closed his summation for the prosecution with a demand that the jury convict the widow of murder and accede to her request that she be given the death penalty if found guilty.

Mrs. Gamble in her unsworn statement to the jury yesterday, which constituted the sole defense, asked that she be permitted to join her husband in death if convicted.

Defense attorneys attacked the story of the chief prosecution witness, Andrew Hunt, negro, who pleaded guilty to murdering Gamble, and told his story against the widow on the stand. Sentencing of Hunt was deferred until Mrs. Gamble's case is disposed of.

The case went to the jury at 1:40 p. m., and the jurors were immediately taken to lunch, with instructions not to begin deliberations until they returned. They came back to the jury room at 3 p. m.

By depending entirely on Mrs. Gamble's statement the defense won the right to make both opening and closing arguments to the jury. T. Hicks Fort opened the argument, and Walker R. Flournoy closed after the prosecutor had finished.

The defendant's husband, J. R. Gamble, Columbus grocer, was shot to death the night of February 7 as he left his store on Buena Vista road.

The negro, Hunt, testified Mrs. Gamble plotted the crime, provided the shotgun and promised him $200 upon collection of her husband's insurance. Other witnesses said the defendant was beneficiary under surance policies totaling $4,000.

Mrs. Gamble protested that loved Robert and he loved me," nied she knew anything about killing, and said she knew Hunt only as a negro who had done odd jobs around the house and store. She sai her married life had been one of u broken happiness. She is the moth of two sons.

Widow Acquitted

MRS. RUTH GAMBLE.

LIFE TERM FOR NEGRO IN COLUMBUS SLAYING

Columbus Enquirer
3-27-33

COLUMBUS, Ga., March 25.—(AP) Andrew Hunt, negro, was sentenced to life imprisonment today for the slaying of J. R. Gamble, Columbus grocer. His sentence was imposed Saturday on charges in connection with the slaying.

Negro Held in Slaying Of Rural Mail Carrier

Columbus Enquirer
4-23-33

A young negro giving his name as Johnny Todd was under arrest here Saturday by postal inspectors, charged with the murder a week ago Thursday of W. S. Acree, rural mail carrier, in a $6 robbery near Union Point.

Clyde Fleming and M. H. Ackerman, inspectors, who worked on the case, said that Acree was shot twice and beaten about the head with a shotgun. They announced that their case is closed and ready for a hearing. Suspicion was directed to Todd by witnesses who told the inspectors "he was seen near the shooting with a gun and by a blood-stained coat found in a near-by swamp, which other witnesses said was worn by the negro.

AN UNUSUAL VERDICT

Columbus Enquirer
3-29-33

The case of Andrew Hunt who was convicted for the murder of J R. Gamble, a Columbus grocer, by a jury in Muscogee county last week, and the acquittal of the widow of the murdered man who was tried as an accessory to the crime furnishes an unusual history in criminal procedure.

It was testified by Hunt that he was hired by Mrs. Gamble to commit the murder, but this was denied by the woman and the jury accepted her version of the case and absolved her of any connection with the crime by granting her freedom Perhaps all of the evidence justified the two verdicts but it is a rare thing for a Negro man to manufactue such a false statement against a white woman, especially when it is considered that involving her in the case would not have vindicated him. I convicting a man for murder there must be always shown some motive for the crime and if the promise of $200.00 was not the motive, then it seems that some other motive should have been established. We think the unfortunate widow should certainly be given the benefit of the doubt, but it is a strange case, but such things will happen.

Davis Gets Chair In Murder Case

Telegraph
3-29-33

Atlanta Negro Convicted of Slaying Mrs. Henderson

ATLANTA, March 28 (AP)—Rade Davis, Negro, was convicted in Fulton superior court Tuesday by a jury that deliberated but 12 minutes, for the slaying of Mrs. San Henderson. He was sentenced to die in the electric chair April 7.

Mrs. Henderson was killed and her husband shot and small child beaten over the head by an intruder in their home here Feb. 18.

At the request of defense counse the jury was polled individually and each member stated he voted the verdict of guilty without mercy.

Davis, in his brief unsworn statement to the court, denied slaying Mrs. Henderson and the wounding of her husband and beating of the child. He charged an uncle was guilty.

The case went to the jury without arguments by attorneys.

GIBSON GETS CHAIR IN M'GEE MURDER

Constitution 3-31-33 Atlanta Ga.

Negro Sentenced To Die With Rader Davis on Same Day.

Emmett Gibson, negro, was convicted in superior court Thursday afternoon of the murder of Hamp McGee, aged West End taxi driver, shot through a window of his home in January as he was preparing for bed and Judge E. E. Pomeroy sentenced him to die in the electric chair on April 27.

Gibson is sentenced to die on the same day as Rader Davis, jointly indicted with him for the McGee slaying, but convicted Tuesday of the murder of Mrs Sam H. Henderson. Before the court passed sentence on him, Gibson reiterated his statement made from the witness stand—that he knew nothing of the murder.

His case consumed three days and the jury deliberated from 1:15 o'clock Thursday afternoon until 5:20 o'clock. McGee was shot with a shotgun from the darkness around his secluded home on Dollar road on January 26, and then was robbed.

James Venable, attorney for Gibson, asserted Thursday afternoon that he was undecided as to a motion for new trial or an appeal.

NEGRO CONVICT KILLED BY GUARD AT CLAYTON

Constitution 4-16-33 Atlanta Ga.

JONESBORO, Ga., April 15.—William B. Wesley, guard at the Clayton county convict camp, was ordered held for the grand jury by a coroner's jury which investigated the death of Rollie V. Lasseter, negro misdemeanor convict.

Lasseter was killed by a shot from Wesley's gun early Saturday morning. Reports stated that there was no known reason for the shooting. Lasseter, with other prisoners, was at work constructing a concrete culvert. He was walking across a plank and the guard, Wesley, was standing on a higher elevation when the gun was discharged, killing the negro instantly.

Wesley has made no statement and it is not known whether or not the gun was discharged by accident.

Lasseter had served about three months of a six-month term for simple larceny.

OFFICERS TO URGE FREEDOM, AT ONCE FOR R. E. COLEMAN

Constitution 4-14-33 Atlanta Ga.

Tip From Slayer of Mrs. Sam Henderson Leads Police to Murderer of Young Wife of Atlanta Supply Co. Worker.

HUSBAND VICTIM OF CIRCUMSTANCES

Stains on Overalls and Attitude on Viewing Body of Spouse Led to Conviction of Man.

Four long, hard years in a Georgia convict camp have been exacted of Robert E. Coleman, formerly a young art supply company worker in Atlanta, in expiation of wife-murder of which he is entirely innocent, James Starks, negro, Thursday confessed to Fulton county police in admitting the crime, according to police.

Legal steps to have a life sentence lifted from Coleman will be taken immediately, officers announced after listening to a detailed confession in which Starks told of battering Coleman's 19-year-old wife with a poker while her nine-month-old son watched with uncomprehending eyes from a near-by crib.

W. E. Harclerode, East Point attorney, who represents Coleman and who sat in on Starks' confession, said that he will go to Governor Talmadge "the first thing Friday morning and ask the governor to pardon Mr. Coleman immediately." Harclerode said that "Starks' story fits the facts exactly."

Governor Talmadge said Thursday night that if it is established that Coleman did not commit the murder he will issue a pardon to him without delay.

"As soon as the facts are laid before me I will issue a pardon to Mr. Coleman if the negro's story stands up," the governor said. "I want no innocent man to suffer in Georgia and will always give them the benefit of the doubt."

Police said that the confession removing blame for Mrs. Coleman's death from the shoulders of her husband was obtained on information furnished by Rader Davis, negro, who is under sentence to die on April 27 for the murder of Mrs. Sam Henderson, in Fulton county. Davis relayed to police the story of the murder as told to him by Starks while both negroes were serving time in Henry county, officers said.

Starks was brought to Fulton tower Thursday afternoon from the McDonough camp, where he was serving three-to-five years for burglary, and readily admitted the crime, in the presence of Lieutenant W. A. Wells, Patrolman E. W. Wilson and Lawrence Camp, of Fairburn, former state attorney-general, it was said.

The information from Davis came to Andrew C. Cole, investigator in the solicitor-general's office, who obtained an affidavit from Davis to the effect that Starks had told him of killing a white woman in Clayton county, the details coinciding with those of the Coleman marder. Cole aided county police in their investigation of the case, and was present when Starks signed his confession. The affidavit by Davis was obtained two weeks ago, and Starks was brought to the tower for the first time on Tuesday, being brought back Thursday, Cole said.

Coleman Reported Slaying.

At 7:30 o'clock on the night of March 14, 1929, Coleman, having returned from a day's work in Atlanta, walked himself into a life sentence by calling Clayton county officers and informing them that he had found his wife dead on his arrival at home.

From that moment on, the young husband, 22 years of age in 1929, found himself involved in a mesh of circumstances which damned him in the eyes of a cornoner's jury and a superior court jury, in spite of his vehement denials that he had performed or had knowledge of the crime.

Unfortunately for Coleman, officers found him wearing a pair of overalls bearing what appeared to be human bloodstains, although Coleman claimed that they had been stained otherwise.

Constitution 4-14-33 Atlanta Ga.

The story as related by Starks in his confession to Fulton county police is a simple one, yet frightful in its details and its consequences on an alleged innocent man. Starks told police that at the time of the murder he worked at Biggers' dairy, three-quarters of a mile from the small home of the Coleman's, which was a quarter of a mile from the main Jonesboro-Atlanta highway, four miles from the Fulton county line.

"I went over to Mrs. Coleman's, and found her there by herself, except for the baby," Starks told police. "I talked to her, and she ordered me to leave the place. I asked her, 'If I leave, will you say anything about my coming here'?"

Gives Details of Crime.

"She said she wouldn't say I had been there, but I got suspicious, and told her she would tell on me," Starks said.

"Mrs. Coleman picked up a chair, and told me to beat it. She threw the chair at me, and I grabbed a poker and beat her in the head. She dropped, and I left her there, writhing and twisting. I didn't know I had killed her 'til later."

Physicians said that Mrs. Coleman had been dead 10 hours when officers reached the scene of the killing. In the meantime, the baby lay helpless in its crib, crying for a mother who was beyond responding to its pleas. Young Coleman, coming home to find the bedroom a bloody shambles, was horrified into a stoical attitude which impressed officers the wrong way, it appeared.

Police, seeking to shock the young husband into a confession, forced him to accompany them to the funeral parlors and view the wife's body. That proved too much for the young husband, carrying the sorrow of his wife's death and the suspicion of murdering her, and he broke down, giving way to tears and bitter denials.

Coleman's Story Recounted.

When arrested, Coleman's overalls appeared to have been washed carefully with a damp cloth which failed to remove all of the stains, according to statements of officers at the time of the investigation. A coroner's jury composed of L. C. Lawrence, foreman; P. J. Lamb, G. R. Dukes, E. Smith Jr., J. W. Freeman and W. N. Parker ordered Coleman held for the grand jury, by finding that Mrs. Effie Coleman "came to her death from a blow received on the head inflicted with a heavy iron weapon in the hands of Robert E. Coleman."

The Constitution in 1929 related that Coleman told the arresting officers that his wife "seemed extremely happy" when he left in the morning for work. His story of the parting was as follows: "I didn't have time for breakfast. She was preparing it for me, but I had to leave early. Effie put her arms around me and walked to the front of the house with me. I kissed her and left for work. That was the last time I saw her alive. I noticed nothing wrong when I left."

The caretaker of a filling station near the home said that Coleman waited an hour for transportation to Atlanta, and seemed "uneasy" about something. "What's the matter, have you and your wife had a fuss?" the caretaker said he asked Coleman. "No. Nothing like that; we get along fine," Coleman is said to have replied. "You're here rather early, aren't you?" the caretaker persisted. "You usually do not come around at this time." "Oh, I'm anxious to get to town," Coleman is said to have answered.

Major Claude C. Smith, solicitor-general of the Stone Mountain circuit, who prosecuted Coleman, Thursday night said that "this is the first I have heard of a confession in the case."

Major Smith said that "the confession will be given due consideration. All we want to establish is the truth, and if a man is innocent of a crime, I do not want him to be penalized for it any more than anyone else would desire that the innocent should suffer. At the same time, I do not want to let a faker put anything over." Major Smith said that he will begin an investigation of the case this morning.

FLORIDA OFFICER KILLED BY NEGRO

Telegraph 5-9-33 Macon Ga.

Former Brooks County Man Meets Death With Companion in Gun Fight

5-9-33

QUITMAN, Ga., May 8.—The news of the tragic death of Deputy Sheriff Lamar Knight, former Brooks county citizen, in St. Augustine, Fla., Sunday night, was received Monday by relatives and friends in Quitman and Brooks county. A brother, Clarence Knight, and A. J. Radford, a brother-in-law, who is a member of the county board of commissioners, immediately left for St. Augustine.

Deputy Sheriff Knight was killed by a Negro whom he was about to arrest. After shooting Knight, the Negro fatally wounded another deputy sheriff. The latter then shot the Negro fatally.

Deputy Sheriff Knight was 45 years old. Twenty years ago he married Miss Oathe Sale o Madison, Fla., who survives him. Three children, Elizabeth, Essie Nell and Lamar, Jr., also survive. Other survivors are his mother, Mrs. S. E. Knight of Brooks county, and the following brothers and sisters: W. Roland Knight, clerk of the superior court of Brooks county; Clarence, Douglas and Robert Knight; Mrs. A. J. Radford of Brooks county, and Miss Doris Knight, for many years a missionary in China.

Surviving members of the family not already in St. Augustine will go there Tuesday to attend the funeral and interment, which will be held at 2:30 o'clock at the residence. county, Ordinary W. A. May, other county officials and numerous other friends will form an honorary escort.

Killings - 1933

Illinois

Store Customer Slain, Robber Gets $1 Bill

CHICAGO, Aug. 21.—(AP)—A customer in a grocery store was slain by a robber Sunday who escaped with a single dollar bill as loot.

Hayes R. Clements, 55, member of a cleaning and dyeing firm, the customer, was fired upon when he walked into the store as the robber forced the proprietor, Gusto Muscarello, into a rear room. The negro dragged him into the rear room, searched both, went through the cash drawer and fled.

Killings - 1933

Indiana.

JUST PLAIN JUSTICE

A white man, accused of slaying a colored man in Indianapolis recently is at liberty under bond. The man's release, we understand, was ordered by Judge Frank P. Baker of criminal court. Thus, we are told, for the first time in Marion county jurisprudence a person charged with murder was released on bond.

Bond release of the alleged murderer was recommended by the prosecutor, it was said. This was after detectives working on the case indicated evidence obtained probably would support only a manslaughter count. It is significant to note, however, that municipal court records show that the accused was bound over to the grand jury on a murder charge. We know it to be a fact that a murder charge with any basis of proof is not bailable in Indiana. That is the one circumstance which is the cause of much comment among students of the Nisenbaum-Johnson meat cleaver slaying case. In the meantime, Johnson, the colored man, is dead and in his grave. He was allegedly chopped in the head with the deadly weapon assertedly by Nisenbaum. And be it remembered that the white man is said to have slipped up behind the colored man and inflicted the wound that caused the latter's death. The fatal cutting took place some time after a fist fight between the two men, we are told. A fact which indicates there was positive murderous intent in the assault. Citizens are demanding full and impartial investigation of the case and they are perfectly within their rights in expecting a thorough probe of the matter.

Concensus of opinion is that if the case was reversed the consequence would have been a far different one for the colored citizens. What voters of Marion county demand and must have is just plain justice for all the people.

TWO MORE NEGRO MURDERERS GET LIGHT SENTENCES

Two to Twenty-one and One to Ten year Terms Are "Gratefully" Received by Killers

Two more Negroes were given cause for "deepest gratitude" as a result of the recent actions of jurors and officials of the Marion County Criminal court.

Two men, Dumas Weathers, 22, and Vernon Galbreath, 27, charged with murdering two other colored persons, were both given light sentences. The former two to 21; the latter 1 to 10 years in the Indiana State prison and the reformatory respectively.

The sentence imposed upon Weathers Thursday after a 4-day trial was the Indiana law's penalty for conviction upon a voluntary manslaughter charge. The 1 to 10 given Galbreath Friday represents an exchange for a convenient and accommodating plea for guilty.

Kills Wife Without Warning

Galbreath shot and killed his wife Thelma last August in an alleged fit of despondency. Approaching the rear of the place at which his wife was staying, 523 Wiawatha St., Galbreath, upon seeing her in the kitchen, pulled a 38 Spanish revolver from his pocket and fired point blank. The bullet lodged in the breast, causing her death almost immediately. Evidently overcome by the retributive pungs of sudden remose, he turned the gun upon himself, inflicting a wound in the right cheek.

Administered at the City hospital, however, prevented his joining in death, the wife he had slain.

At the time of his arrest, the admitted killer gave as his motive, a protracted period of unemployment which robbed him of an opportunity to earn an income sufficient to provide the good things of life for his wife and himself.

Kills with Razor

On the Sunday following the Galbreath murder, Dumas Weathers, in another section of the city, slashed to death with a razor Bedford Patterson in the latter's home.

Weathers is alleged to have chased Patterson from his home following a heated argument which failed, however, to impress itself upon the memory of witnesses as to details. On his way out of his front yard, witness at the trial said Patterson stumbled upon a hammer. When the fleeing man reached the opposite side of the street, he was overtaken by his pursuer who made demands upon his victim which the latter stated he could not meet.

It was then, witnesses say, the slayer drew his razor and whipped it across Patterson's abdoment so completely as to cause his entrails to fall out.

The wounded man, gripping his vitals, made his way back to his own porch where police later found him. He died shortly after reaching the City hospital.

Mixed Causes Include "Goat"

The trial of Weathers, which began on Monday, was attended by crowds that filled the court room through its durations of almost four days.

Weathers himself is said to have advanced four different reasons for his crime; a gallon of alcohol; Patterson's wife; a dime; and a billy goat.

He pleaded self defense.

Both cases were heard and sentences in each were given by Special Judge E. E. McFerren, presiding in the absence of Criminal Judge Frank Baker.

Kansas

Killings-1933

THREE SLAYERS OF COLORED POLICEMAN GET 50 YEARS EACH

2-3-33

Trio Convicted of Shooting Victim While Being Questioned By Detectives

LEAVENWORTH, Kans., February 2 (ANP)—The grand finale to one of the most bitterly contested cases in the history of Leavenworth County ended here recently when Judge J. H Wendorff of the district court sentenced a trio of white men to fifty years each in the Kansas State penitentiary.

The three white men sentenced were Wesley Smith, Frank Delmar and McKinley Moss who were convicted of the murder of Ernie Gough, a Negro member of the Leavenworth police department on the night of July 28 1932. Judge Wendorff pronounced sentence upon the three white prisoners after listening to arguments over a prolonged period by attorneys for the three defendants seeking to obtain approval of a motion for a new trial.

The trial in November attracted wide attention and was largely attended. The authorities took precaution to provide extra guards. Moss, Smith and Delmar had previous prison records with four, two and one terms, respectively, in the order named.

Killings-1933

Kentucky

'Human Sacrifice' Volunteered, Her Killers Assert

Cult Leader, Son Of Slain Woman, Forced To Break Hunger Strike

By JOHN L. BOWEN
Associated Press Staff Writer

INEZ, KY., Feb. 9—(AP)—One of eight cult members held in a weird "sacrifice" slaying told authorities today that Mrs. Lucinda Mills, the 72 year old victim was a "willing sacrifice."

She wanted, County Attorney Jasper Preece said he was told by her son-in-law, Blaine McGinnis, to do something to help her son Leonard, who has been confined for years in a Kentucky State asylum.

The strange story of the happenings in the Mills cabin, located on the edge of Tomahawk, a hamlet in this isolated mountainous county, was told to the attorney while the aged woman's body was being carried to a mountainside crypt.

McGinnis, one of the eight cult members held in the Martin County Jail, told him, Preece said, that Mrs. Mills made no resistance as her son, John, 36, leader of the cult, began strangling her Sunday night as the climax of a long period of fasting, dancing and shouting in the "unknown tongue."

"'I would willingly give my life for my son, Leonard,' Prece said McGinnis quoted Mrs. Mills as saying when plans for a "sacrifice" were being made.

Meanwhile, John Mills lapsed again into a stupor in his small cell after a violent physical encounter with jailers that ended when he was chained to cell bars.

Force was used earlier by Dr. W. N. Keith, county health officer, to break a "hunger strike" of the cult leader. He has been repudiated by his followers, all members of the Mills family by marriage or relationship.

The other cult members, four men and three women, alternately prayed and sang in their cells as they awaited a hearing Saturday.

John will be arraigned, charged with murder, before County Judge T. J. Hardin Saturday. Six others face charges of being accessories in the slaying. An eighth is held as a material witness.

The fantastic rites which ended in the death of the aged woman, were preceded by a period of fasting that began on Friday, Preece said.

Officers called by alarmed neighbors, broke into the cabin after Mrs. Mills was slain. They found chains wrapped around her body they said and preparations were being discussed for burning her body on an altar or cross.

Before the forced feeding, Mills lay sprawled upon a mattress on the floor of his cell, apparently in a stupor. After he was fed he arose and began flailing the air with his fists. He was overpowered by Jailer Dan Harman and five assistants and handcuffed to the cell bars.

After a coroner's jury named "Mills and others" as the slayers of the aging woman in a fantastic ritual that had lasted for several days in an isolated mountain cabin, Commonwealth Attorney Jasper Preece announced that a charge of murder will be preferred against Mills and a charge of accessory to murder against six other members of the family.

The eighth under arrest, Tom Boyd, is held as a material witness.

Eight Held in 'Sacrifice' Killing Will Face Action by Grand Jury

By JOHN L. BOWEN.

INEZ, Ky., Feb. 11.—(AP)—Eight members of a strange religious cult whose weird ceremonies ended last Tuesday with the strangulation of an aged mountaineer mother were held to the grand jury without bond at their examining trial here this afternoon.

All of the defendants, four of them women, were remanded to jail pending consideration of their cases by the April grand jury. Seven of those held are charged with being accessories to murder, while the eighth, alleged leader of the cult, is charged with murder. A ninth member of the family was held as a material witness.

The defendants are John Mills, 32, charged with murder; Mrs. John Mills, Mr. and Mrs. Fred Mills, Mrs. Ora Moore, Ballard Mills, and Mr. and Mrs. Blaine McGinnis, charged with being accessories to murder.

Tom Boyd was the relative ordered held as a material witness.

The seven charged with being accessories testified at the hearing, held before County Judge T. J. Hardin. John Mills himself was brought into the courtroom on a cot. He remained silent throughout the proceedings, weaving his arms and legs, tearing his hair and twitching his hands. Deputies carried him back to jail after the trial.

The witnesses told how Mrs. Lucinda Mills, 73, mother of John and victim of the religious orgy which took place in the Mills' mountain cabin at Tomahawk, near here, was chocked to death last Tuesday in what the witnesses termed John's demonstration of "the death of sin." Half a dozen children of the defendants were in another room of the cabin at the time.

The testimony, which concerned chiefly the principals of the strange religion, was to the effect that John misinterpreted a divine message and that his misinterpretation caused him to kill his mother. Their religion, the witnesses said, does not call for living sacrifices.

The hearing lasted but a short time and was attended by as many of the hill country residents of this community as could crowd into the small courthouse. The crowd listened quietly to the testimony.

Woman Slain By Own Children In Weird Religious Ceremony

INEZ, KY., Feb. 8.—(AP)—From the hills of Kentucky today came the weird story of an alleged human sacrifice offered up in the bizarre rites of a mountain cult.

Praying and shouting in the "unknown tongue," a gibberish peculiar to mountain folk, seven members of a family are in the Martin County Jail here tonight in connection with the death of Mrs. Lucinda Mills, 72-year-old mountaineer mother.

Officers who arrested them near Tomahawk, west of Inez, charged the woman had been strangled with a chain drawn tightly about her throat. They said they broke into the barred home of the Mills family, far in the mountain fastnesses, as plans were being made to place the body on an altar.

Rites that culminated in the alleged sacrifice lasted for many hours, officers said, and were preceded by a period of fasting that began in the Mills home on Friday.

Similar rites had been held frequently in the little mountain settlement, the officers asserted, since a revival meeting last year when the village was aroused to fanatic frenzy.

Officers charged that two daughters, a daughter-in-law, two sons, a grandson and two sons-in-law of the aging woman took part in the weird rites performed behind locked doors and shaded windows. All were arrested, six of them charged with the slaying and one as a material witness.

Hours of praying, shouting, singing, and dancing, cult members told officers, brought "divine commands" to offer the life of a human as a sacrifice.

Mrs. Mills was chosen, they said, and her son, John, 36, clutched her by the throat as others stood by, watching.

Blaine McGinnis, a son-in-law, told officers in the jail where he and the others are held, of wanting to prevent the sacrifice but feeling impelled to stand back.

Then, the sacrifice completed, he said, chains were tied about her throat and plans were made for a burnt offering.

A cross or an altar, he said, was to be erected and her body was to be placed upon it and burned. Officers said their discovery of the alleged sacrifice halted the burning.

IDENTIFIES HIS KILLERS

Paducah Man Points Finger at Negroes and Then Dies.

PADUCAH, Ky., Aug. 18—John Stevens was dead today and the [illegible] the fourth victim of guns in Paducah since Saturday night had been marked up.

Stevens died in Riverside Hospital this morning, only a few hours after he had positively identified two negroes as the two who ran up beside his popcorn vending cart and fired into his body. Realizing he was on his death bed, Stevens held up his right hand and said:

"These are the two who shot me. I'd know them any time, anywhere."

Then he sank back in his bed and groaned. Two bullets were in his abdomen and one through his arm and into the right side.

The negroes, who are held in the city jail and who will face charges of murder, are Oscar Ledford, 20, and Damon Elam, 18. They were seized in two raids late yesterday by police and detectives.

Killings-1933

Louisiana

Effort To Avert Lynching Fatal For The Victim

Advertiser 11-15-33 Montgomery Ala.

FARMERVILLE, LA., Nov. 14—(AP)—Union Parish officers today shot and killed Mack Leslie, 30-year-old negro whom they declared to be the secretary and treasurer of a "secret" negro organization which officers learned had planned a march upon Farmerville last Sunday "to take the town over" and issue a demand for "more rights." They said Leslie resisted arrest.

After hearing rumors this morning that citizens of the Cherry Ridge community, 12 miles north of here, were planning to lynch Leslie, Sheriff Pat Murphy dispatched Deputies O. McElroy and Raymond Meeks to Cherry Ridge in the afternoon to arrest the reputed secretary and bring him to Farmerville.

Sheriff Murphy said that when his deputies arrived at the tenant home of Leslie, the negro greeted them with an outburst of profanity and asserted that he would not accompany them to Farmerville.

While Meeks was holding the arm of Leslie, the suspect suddenly jerked loose and reached into his clothing as if to get a weapon, the officers said.

Both deputies fired and the negro fell dead with five pistol bullet wounds in his body.

Negro 'Uprising' Draws Jail For 'Secret Society'

Advertiser 11-14-33 Montgomery Ala.

FARMERVILLE, LA., Nov. 13.—The thwarting of a planned "uprising" of negroes incited by white organizers who had promised them Government lands, free food and "social equality" was reported by authorities here today after the arrest of 14 negroes and the seizure of an auto load of arms and ammunition.

With disclosures of the arrests officers said the organizers had dropped out of sight, but that they were being sought by citizens and officers in north Louisiana and south Arkansas.

Three negroes, members of a "secret society" which had been formed among the negro residents of the section, tipped officers that the "uprising" had been set for Sunday, with a "march on Farmerville. The roundup of reputed leaders followed.

In view of intense local feeling, a heavy guard was maintained about the Farmerville jail, where the 14 negroes were held. Federal officials took a hand while local police reported to the United States district attorney at Shreveport that the white organizers of the secret society had posed as Federal agents, displaying fake badges to impress the negroes. A special investigator was sent to Union Parish today to make a complete inquiry.

In the hunt for the organizers, officers said they were particularly anxious to arrest two white men described as leaders of the group, which was also said to include four other white men and two white women. The group had been in and out of the parish since August, and were reputed to have worked out of "headquarters" in Shreveport and Chicago. Today's hunt for them was concentrated in Union Parish, La., and Union County, Ark.

Asst. U. S. Atty. J. Fair Hardin said he believed at least two of the group were the same men who were sought in the same section several years ago by Federal authorities for a racket in which negroes were mulcted of cash in exchange for promises of 40 acres of Government land and a mule.

LOUISIANAN CONFESSES NEGRO 'ORGANIZATION'

Constitution 11-18-33 Atlanta Ga.

MONROE, La., Nov. 17.—(AP)—One of two white men sought for inciting negroes in north Louisiana to join an "uprising" was in custody here today and officers said he had confessed to participation in the organization of subversive negro secret societies in the section.

The prisoner, arrested in Jackson, Miss., early today, was pointed out here by negro dupes of the secret society racket as "Judge Coty, of Chicago," but Jackson dispatches identified the man as W. C. Burnside, a resident of Jackson. He was taken into custody at Jackson by officers of that city, who co-operated with federal agents and Union parish (La.) deputies. The officers said they also had desired to question his brother, Robert Lee Burnside, of Jackson, but that the latter had eluded them and left town.

Officers said the prisoner had admitted helping to "organize" Union parish negroes into a secret society and saying "it was just a plan to get money out of them."

Birmingham, Ala., News November 14, 1933

AGITATORS SOUGHT

White Pair Claimed To Have Organized Negroes For Uprising

MONROE, La.— (AP) —Two white men who fleeced a number of North Louisiana Negroes out of sums of money for initiation into an "uprising for lands, free food and social equality," were hunted Tuesday by officers in Louisiana and Arkansas.

Fourteen Negroes were arrested Monday in Union Parish and five of the number were removed to the Ouachita Parish Jail here Monday night by Sheriff Pat Murphy, of Union Parish.

Officers reported that the Negroes were leaders among a "secret society" of 170 rural Negroes who had paid the white men sums of money for membership.

They were arrested after rumors had spread that the drive was to climax into a "march" on Farmersville Sunday. Union Parish officers in making the arrests seized 15 loaded shotguns from Negro huts.

The Negroes told the officers that they had been promised government aid, including airplanes, if they would pay dues and join the "order." They said they were approached by men who claimed to be federal officers and that they paid individual sums ranging from $16.35 to $110.

Officers reported that an aggregate of $2,600 had been obtained from the 170 "members." In addition to the two ringleaders in the "society" solicitation, officers suspected four other white men and two women of assisting in the organization.

Birmingham, Ala., News November 15, 1933

PROBE PUSHED IN 'NEGRO UPRISING'

Officers Seek Organizers As One Man Is Killed In Louisiana Trouble

FARMERVILLE, La.— (AP)— With one slaying in what authorities claim was to have been a Farmerville "Negro uprising." an investigation was being pushed into the bizarre affair Wednesday to disclose more of the details of a secret Negro organization and its co-called two white "organizers."

The fatality occurred Tuesday when Union Parish officers shot and killed a Negro, Mack Leslie, 30, alleged to be the secretary and treasurer of the secret organization, when they went to "save" him from a reputed lynching party en route to seize him.

According to the officers, the Negro resisted their efforts to take him to Farmerville for safekeeping and appeared to reach for a hidden weapon. Two deputies fired and the Negro fell dead with five bullet wounds in his body, Sheriff Murphy said.

Feeling was running high in this section, and Sheriff Murphy said he was making every effort to prevent bloodshed.

Fourteen Negroes are being held in connection with the Negro organization's reputed plans to march upon Farmerville last Sunday to demand more "rights." Eight of the arrested Negroes are in jail here while six are locked up in the parish prison at Monroe. The six at Monroe, alleged to be the ringleaders, are said to have made confessions.

Officials of several parishes, as well as a federal investigator, are seeking to locate two white men known as "Doc" Burson and "Judge" Coty, who are said to have worked through Union Parish, Louisiana, and Union County, Arkansas, as "Bible agents." They reputedly assisted in the organization of the secret society and, according to the story told by authorities, collected dues.

Sheriff Murphy said that Leslie, the Negro killed, had been taking money collected in the plot to El-dorado, Ark.

Nashville, Tenn. Banner November 14, 1933

Negro Uprising Plan Is Nipped in the Bud

Two White 'Organizers' Being Sought in Louisiana

Monroe, La., Nov. 14—(AP)—Two white men who fleeced a number of North Louisiana Negroes out of sums of money for initiation into an "uprising for lands, free foods, and social equality," were hunted today by officers in Louisiana and Arkansas.

Fourteen Negroes were arrested yesterday in Union Parish and five of the number were removed to the Ouachita Parish Jail here last night by Sheriff Pat Murphy of Union Parish.

Officers reported that the Negroes were leaders among a "secret society" of 170 rural Negroes who had paid the white men sums of money for membership.

They were arrested after rumors had spread that the drive was to climax into a "march" on Farmerville Sunday. Union Parish officers in making the arrests seized fifteen loaded shotguns from Negro huts.

The Negroes told the officers that they had been promised Government aid, including airplanes, if they would pay dues and join the "order." They said they were approached by men who claimed to be federal officers and that they paid individual sums ranging from $16.35 to $110.

Officers reported that an aggregate of $2,600 had been obtained from the 170 "members." In addition to the two ringleaders in th "society" solicitation, officers suspected four other white men and two women of assisting in the organization.

Officers suspected the organizers of operating from Shreveport and Chicago, they said. A reward of $250 was offered by Sheriff Murphy for apprehension of the two men.

Department of Justice agents are assisting in the case.

LA. "UPRISING" ALL FAKED BY OFAY HOODLUMS

Afro-American

By MELVIN J. CHISUM

MONROE, La.—Reading an account of an "uprising" of colored people in this state, in which officers killed one person and wounded several others, I immediately caught a fast train for this place, to find that the story was a fake invented by white officers and hoodlums, to justify their slaying of, and brutality to, members of the group.

12-2-33

According to the news stories, a group of colored persons planned to arise and fight the whites here. A car full of ammunition was alleged to have been seized by the alert officers.

Baltimore Md.

[illegible]viewing (name deleted) a respected citizen here who would be killed if his name were published, I found that two white men had organized a group of local residents, to secure "their rightful benefits from the NRA," at four dollars a person for joining the group.

Whites Rush Meeting

The whites, hearing of the organization and failing to find out its true cause, got officers and rushed into a meeting of the group, firing pistols promiscuously, killing the secretary of the group and wounding several others.

And all this because of a peaceful meeting which had no violence as its motive. Discovering their mistake, these hoodlums and officers concocted the story that they had suppressed an "uprising."

The two white men were W. C. Burnside and brother, Robert Lee Burnside, of Jackson, Miss. I persuaded officials to put me in jail with W. C. Burnside, where he confessed to me that the scheme was merely an attempt to get some "easy money" from the gullible "n——s" who wanted work. So ends the Louisiana "uprising."

6 of U. S. Survey Party Shot by Insane Negro

Courtesy Atlanta
12-19-33

PLAQUEMINE, La., Dec. 10.—(UP)—Six men from a United States survey party were shot and seriously wounded today by an insane negro as their boat moved down the tranquil waters of Upper Grand river.

The shooting occurred this morning in a remote section of south Louisiana swamplands, and was not reported until tonight. It was not learned immediately to what department of government the wounded men were attached. Atlanta

The negro, Pierre Guillory, was shot and dangerously wounded by Sheriff Sherburne. The negro fired at the sheriff who tried to arrest him.

Guillory's relatives told authorities that they feared that Guillory had killed four of his brothers with whom he went hunting in the swamps this morning before he attacked the group from New Orleans. They have not been heard from since they went into the swamps with him.

All six of the members of the party from New Orleans were shot. They were W. P. Denoux, of Rapides parish; J. A. Kitchen, Rolla, Mo.; A. C. Showman, Baton Rouge, La.; A. D. Warner, Colfax, La.; Van M. Davidson, of Plaquemine, and Fred Richard, a negro deck hand.

NEW YORK [redacted] WORLD
Telegram
NOV 14 1933

AGITATORS HUNTED IN NEGRO UPRISING

Raid on Town Foiled After Capture of Arms in Louisiana—Promoters Escape.

By the Associated Press.

FARMERVILLE, La., Nov. 14.—The thwarting of a planned "uprising" of Negroes incited by white organizers who had promised them forty acres of land, a mule and "social equality" was reported by authorities here today after the arrest of fourteen Negroes and seizure of an automobile load of arms and ammunition.

With disclosures of the arrest, officers said that the organizers had dropped out of sight.

Killings – 1933

Louisiana

NEGRO 'SQUATTERS' SLAIN

Deputies Forced to Fire When Trio Refused to Vacate Land.

LAKE CHARLES, La., May 4.—(AP)—Three negroes, described by officers as "squatters" on an unused farm in Jeff Davis Parish, were shot and killed late yesterday when they attacked Sheriff John Conner and Deputy Sheriff Dampsey Cole, who had gone to the farm to force their removal.

The negroes slain were Louis Cormier, 60, and his two sons, Joseph, 23, and Adam, 25.

Cole, who was treated here for razor wounds, said that he and Conner were forced to fire when the negroes refused to take over a court order for them to vacate the property and instead attacked the two officers with razors, clubs and whip handles.

A coroner's jury exonerated the officers.

Squatters Killed; Officers Cleared

LAKE CHARLES, La., May 4 (AP)—Three Negro "squatters" on an idle farm in Jeff Davis Parish were shot and killed Wednesday night by a sheriff and deputy attempting to execute a court order for the three to vacate the property.

The officers were exonerated Thursday by a coroner's jury after testifying they were forced to fire when the Negroes attacked them with razors, whip handles and clubs.

LOUISIANA OFFICERS KILL THREE NEGROES

LAKE CHARLES, La., May 4.—(AP)—Three negro farmers were shot and killed late yesterday in a field in Jeff Davis parish after they were reported to have attacked Sheriff John Conner and Deputy Sheriff Dempsey Cole, who had gone to the farm on which they were "squatters" with a court order demanding that they vacate.

The officers said the negroes attacked them with razors, whip handles and clubs.

Negro 'Squatters' Slain By Officers

LAKE CHARLES, LA., May 4.—(AP)—Three negro "squatters" on an idle farm in Jeff Davis Parish were shot and killed last night by a sheriff and deputy attempting to execute a court order for the three to vacate the property.

The officers were exonerated today by a coroner's jury after testifying they were forced to fire when the negroes refusing to go into an amicable discussion of the order to vacate, attacked them with razors, whips and clubs.

Deputy Sheriff Dempsey Cole, who with Sheriff John Conner of Jeff Davis Parish, participated in the shooting, was later brought here to be treated for razor wounds in the arms and a blow on the head. The negroes slain were Louis Cormier, 60, and his two sons, Adam, 25, and Joseph, 23.

Sheriff Conner said the three had moved in on property of a land corporation and occupied a house, engaging in part-time farm work in the neighborhood. He said they had previously ignored requests to move and had openly threatened violence to anyone attempting to disturb them. Backed by the court order, Sheriff Conner and Deputy Cole went to the farm in a remote section of Jeff Davis Parish late yesterday. They said they intended to reach an amicable settlement but that they opened fire when the "squatters" defied them and then attacked with razors and other impromptu weapons.

COPS KILL NEGRO IN NEW ORLEANS

I. L. D. Probes Brutal Shooting of Youth

NEW ORLEANS.—Lloyd Pinion, 22-year-old Negro worker, is dead today, killed by police officials of the Fourth Precinct. Not content with merely shooting him to death, they fired nine bullets into his quivering body as he shrank away from their attack. Hemmed in by the steel bars of the cell in which he was confined, Pinion had no chance to fight for his life.

The sole support of his mother, an aged father and several other dependants, Pinion had been employed for four years as a porter in the French Hospital, 1821 Orleans Ave. A serious illness forced him from his work last Marchc. At that time, both superintendent and doctors of the hospital recommended him highly. They stated that during his term of employment he had proved "honest and satisfactory."

Meeting Brands Murder.

No action has been taken by the police in the case. Whitewash attempts are expected in the near future as the International Labor Defense [illegible] its probe which was begun at a mass membership meeting which packed a church at 517 Upperline St. In the presence of a police captain and a detective who had come to the meeting, Ernest Soler, I. L. D. secretary outlined the case and accused the police of the murder. Paying no attention to the police spies, the audience pledged its support to the fight against police terror. Delegates from New Orleans to the Scottsboro March, attended the meeting.

WHITE PLANTER USES CLUB TO KILL WORKER

Woman Slain When She Demands Pay

HARRIS, La., June 16.—(Special.) — While her two sons, 13 and 14 years of age, looked on, Mrs. Della Scott, living on Arno Miller's plantation, was beaten to death Sunday night with a hoe and club by Con Gamble (white), land owner.

Gamble, later arrested by Deputy Sheriff A. H. Phillips, denies any connection with the woman's death despite the fact that the woman's two sons pointed him out as their mother's slayer. Gamble has been admitted to bail for a further hearing. Shelley Jefferson, Race handyman for Gamble, who also witnessed the slaying, is being detained as a material witness.

Demands Her Pay

Gamble, a wealthy landowner, is said to have attacked Mrs. Scott when she demanded that he pay her for work she and the two boys had done on his farm. When Gamble flatly refused to give the woman the money, she started out of the door of his house declaring that she would move to Shreveport. It was then that Gamble is said to have clubbed her and then beat Mrs. Scott with the hoe.

The brutal white man had threatened to kill the two boys if they interferred. Shelley Jefferson also stood by helpless.

Reveal Details of Brutal Murder of 3 Negro Farmers

Killed by Sheriff and Deputy In Struggle to Evict Them from Land Held by Corporation

WELSH, La., June 19.—The full circumstances of official murder, flatly contradicting the report of the coroner's jury, were revealed in an investigation, just completed by the International Labor Defense, into the death of three Negro farmers, Louis Cormier, 65, and two sons, Joseph, 22, and Adam, 36, formerly residents of Pine Island, a tiny agricultural community eight miles from [illegible].

The Cormiers were killed on May 3 by Sheriff John Connor, 28, and Deputy D. E. Cole, who had come from their office in Jennings, parish seat of Jefferson Davis Parish, to evict the farmers from property which they were purchasing from the Housiere Land Corporation.

Seize Aged Farmer

Connor seized Louis Cormier, stating he was under arrest. Cormier protested, since there was no basis for this action. He was permitted by Connor to join his two sons a short distance away to talk to them.

Cole followed him and as soon as he was with his sons ordered all three to hold up their hands, leveling a pistol at them. When they did so and advanced toward him, Cole, becoming excited, ran backward firing as he did so. Joseph dropped dead almost on top of Cole, who had stumbled and fallen.

At this unprovoked murder, Adam attempted to defend himself and his father from further attacks by grasping a short whip stock. He was killed by a bullet from Connor's revolver, after which Connor beat off Louis Cormier, who tried to prevent the [illegible] from using his gun on his [illegible] and killed him.

Whitewash Killers.

Connor and his deputy were exonerated by a coroner's jury which met the day of the shooting. No testimony in the case was taken from a white farmer who was an eye-witness of the affair, official records reveal. This farmer, Traviel Trahan, French-speaking as were the dead men, was seated in the field where the killing took place and was not over 25 yards from the shooting.

Neglecting to record any testimony

The official report of the coroner's jury states, "The said jury having been sworn, proceeded to enquire of the witnesses, John Connor, Sheriff, and D. E. Cole, Deputy Sheriff, and the evidence being overwhelming that the said officers, John Connor and D. E. Cole, while acting in their official capacity and in defense of their life", killed the men "and we accordingly find that the killing was not only justifiable but necessary."

Threaten Lynchings.

The night following the killing which took place about 5:30 in the afternoon, a mob led by four persons thought to have come from Welsh, set out to lynch the living members of the Cormier family. These consisted of Mrs. Louis Cormier, about 65, who was ill in bed, Leonard Cormier, 31, her son and brother of Adam and Joseph, who was also confined to his bed, together with his wife, Arlene, 34, and their two children, Esther, 5, and Clovis, 4.

Sentiment on the part of the white neighbors of the dead men prevented lynch action.

Having lived on the farm, which they were purchasing for $9,000 at the rate of $900 per year for three years before their death, the Cormiers were very friendly with the families about them. Arrangements had been made to aid the Negro family in planting plowed before work animals were taken from them last winter under the terms of a chattel mortgage held by a local merchant. Both white and Negro neighbors were to have taken part in the planting, scheduled for the day after the killing.

Red Cross Refuses Aid.

For several months before the killing, neighbors had been aiding the

Cormiers. The family, destitute and suffering for food, received no aid from the Red Cross relief organization, it is reported. People connected with the organization, white farmers say, are now circulating a report that the Cormiers were "desperate characters" who had made holes in their three-room cabin for the purpose of shooting at passing whites. Knots in the clapboards which form the outer wall of the house have dropped out of the unpainted boards. The holes caused by this do not extend through the inner wall of the residence.

Burial, which took place the day after the killing, was in a little-used cemetery near the Southern Pacific tracks. All three corpses were interred in a single rough wooden box. Faces of the corpses remained unwashed, covered with dust and blood. Mrs. Louis Cormier, who was allowed to see the bodies, was refused an opportunity to remove the shoes of the corpses or to wash their faces.

Fence posts, stolen from a neighboring farmer, were driven into the muddy ground at the east end of the grave. An empty tin can, filthy and greasy, was hung over the top of the center post as a monument to the dead.

Though much active protest was aroused among the workers by the killings and the burial, officials took no notice of it and contributed to the record of atrocities. The health officer of Jefferson Davis Parish is reported to have found one of the Cormiers alive when he visited the scene of the shooting. Instead of rendering aid to the wounded man he is quoted as saying, "This 'Nigger' will die before he gets to town anyway, so load him into the truck and get going." The victim died before reaching Welsh.

Forced to flee from the scene of the killing, the remaining members of the Cormier family are now residing in Crowley, La., with relatives. Mrs. Louis Cormier is slowly recovering from the severe mental shock, though she often cries for hours and is unable to recall happenings accurately from day to day. She has been in poor health for many years.

Leonard Cromier, though now able to sit up, is unable to walk a hundred yards. His recovery is expected to be very slow, if made at all.

I.L.D. to Take Action.

Full and sole authorization has been given the International Labor Defense to take any legal or public action which may be possible in the case by all the living members of the family who expressed full confidence in the I.L.D. being acquainted with its efforts in behalf of the nine innocent Scottsboro boys. Organization of I.L.D. branches in the cities of Lake Charles and Crowley is contemplated.

Survivors of Killing

Leonard Cormier, 31, whose father and three brothers were wantonly mudered by a sheriff and his deputies. Seated are his wife, Arlene, and two children, Esther, 3, and Clovis, 4.

Mrs. Louise Cormier, 65, whose husband and two sons were murdered by a sheriff and his deputies.

NEGRO SLAYER IS HANGED

Killer Pays With Life for Murder of Filling Station Operator.

SHREVEPORT, La., June 30.—(AP)—The state today hanged Samson Carter, 28-year-old negro, for the murder of William Morgan, filling station operator, who was beaten to death with a hammer here last March.

Carter was executed in Caddo Parish prison and was pronounced dead 14 minutes after the trap was sprung.

NEGRO SUSPECTED OF PLOT IS SLAIN

Deputies Say Man Charged With Fomenting 'Equality' Uprising Resisted Arrest

FARMERVILLE, La., Nov. 14. (AP) Union parish officers today shot and killed Mack Leslie, 30-year-old Negro, whom they declared to be the secretary and treasurer of a "secret" Negro organization which officers learned had planned a march upon Farmerville last Sunday "to take the town over" and issue a demand for "more rights." They said Leslie resisted arrest.

After hearing rumors this morning that citizens of the Cherry Ridge community, 12 miles north of here, were planning to lynch Leslie, Sheriff Pat Murphy dispatched Deputies O. McElroy and Raymond Meeks to Cherry Ridge in the afternoon to arrest the reputed secretary and bring him to Farmerville.

Sheriff Murphy said that when his deputies arrived at the tenant home of Leslie the Negro greeted them with an outburt of profanity and asserted that he would not accompany them to Farmerville.

While Meeks was holding the arm of Leslie, the suspect suddenly jerked loose and reached into his clothing as if to get a weapon, the officers said.

Both deputies fired and the Negro fell dead with five pistol bullet wounds in his body.

Negro Arrested For Murder Of Woman

ALEXANDRIA, LA., Nov. 15—(AP)—Acting on a wired request of Texas authorities, local police today arrested Alexander Boss, Alexandria negro who has been living recently in Los Angeles in connection with the slaying at Van Horn, Texas, of a young woman tentatively identified as Ramona Warren, of Warneck, Calif.

The girl's nude body was found near Van Horn last week. Advices from California said that Miss Warren was known to have been driving through Texas on her way to visit her mother at Fort Worth. She was reported to have stopped in a Texas town to hand to deputies sheriff a card bearing the name of an attorney and the California license number of an automobile which she said, on the card, "has been following me for miles." West Coast authorities said the car indicated "belonged to a Los Angeles negro."

Boss arrived here a few days ago in an automobile in which he left Los Angeles Nov. 3. When taken into custody he declined to make a statement and officers said they were awaiting further advices from Texas or California.

NEGRO 'UPRISING' IS NIPPED IN BUD

Louisiana Authorities Are Looking For White Instigators of 'Social Equality'

FARMERVILLE, La., Nov. 13 (AP). The thwarting of a planned "uprising" of Negroes incited by white organizers who had promised them government lands, free foods, and "social equality" was reported by authorities here today after the arrest of 14 Negroes and the seizure of an automobile load of arms and ammunition.

With disclosures of the arrests, officers said the organizers had dropped out of sight but that they were being sought by citizens and officers in North Louisiana and South Arkansas.

Three Negro members of a "secret society" which had been formed among the Negro residents of the section tipped officers that the "uprising" had been set for Sunday, with a "march on Farmerville," the round up of reputed leaders followed.

In view of intense local feeling, a heavy guard was maintained about the Farmerville jail, where the 14 Negroes were held.

Federal officials took a hand when local police reported to the United States district attorney at Shreveport that the white organizers of the secret society had posed as federal agents, displaying fake badges to impress the Negroes. A special investigator was sent to Union parish today to make a complete investigation.

In the hunt for the organizers officers said they were particularly anxious to arrest two white men described as leaders of the group, which was also said to include four other white men and two white women. The group had been in and out of the parish since August and were reported to have worked out of "headquarters" in Shreveport and Chicago. Today's hunt for them was concentrated in Union Parish, Louisiana, and Union county, Arkansas.

PROBE PUSHED IN 'NEGRO UPRISING'

Officers Seek Organizers As

One Man Is Killed In Louisiana Trouble

FARMERVILLE, La.— (AP)— With one slaying in what authorities claim was to have been a Farmerville "Negro uprising," an investigation was being pushed into the bizarre affair Wednesday to disclose more of the details of a secret Negro organization and its co-called two white "organizers."

The fatality occurred Tuesday when Union Parish officers shot and killed a Negro, Mack Leslie, 30, alleged to be the secretary and treasurer of the secret organization, when they went to "save" him from a reputed lynching party en route to seize him.

According to the officers, the Negro resisted their efforts to take him to Farmerville for safekeeping and appeared to reach for a hidden weapon. Two deputies fired and the Negro fell dead with five bullet wounds in his body, Sheriff Murphy said.

Feeling was running high in this section, and Sheriff Murphy said he was making every effort to prevent bloodshed.

Fourteen Negroes are being held in connection with the Negro organization's reputed plans to march upon Farmerville last Sunday to demand more "rights." Eight of the arrested Negroes are in jail here while six are locked up in the parish prison at Monroe. The six at Monroe, alleged to be the ringleaders, are said to have made confessions.

Officials of several parishes, as well as a federal investigator, are seeking to locate two white men known as "Doc" Burson and "Judge" Coty, who are said to have worked through Union Parish, Louisiana, and Union County, Arkansas, as "Bible agents." They reputedly assisted in the organization of the secret society and, according to the story told by authorities, collected dues.

Sheriff Murphy said that Leslie, the Negro killed, had been taking money collected in the plot fo Eldorado, Ark.

Killings-1933 I.

NEGRO ADMITS MURDER

Confesses to Hitting Woman With Ax, Officers Claim.

LA PLATA, Md., July 9.—(AP)—Admitting in a confession to Charles County officers that he killed the woman with an ax, Page Jupiter, negro farm hand, was formally charged today with the murder of Mrs. Evalyn Reisschneider.

Jupiter made his confession about noon.

Mrs. Reisschneider, 45, was found yesterday in a clump of underbrush near her home here.

FOUR NEGROES ARE HELD FOR SLAYING

Another Sought By Posse; Oar Used To Knock Victim To Floor Of Pier

LEONARDTOWN, MD., Aug. 6.—(AP)—Henry E. Hadkins, 42, of Sperryville, Rappahannock County, Va., was killed early tonight, at Piney Point, near here, by a blow [illegible] in an argument with a group of negroes.

Four negroes were arrested and brought to the St. Mary's County Jail for questioning but a posse began forming tonight at Piney Point to hunt for a fifth negro whom authorities said was the one wielding the oar.

Hawkins died 20 minutes after he was knocked to the floor on the boardwalk. He did not regain consciousness.

He had arrived at Piney Point only a short time before with a group of five friends from Virginia to go on a fishing trip in the Potomac River. His friends rushed to his aid after the blow was struck and suffered minor injuries.

Coroner T. J. Medley, of Piney Point, who conducted the inquest, said death was caused "by a semi-blunt instrument causing a concussion of the brain at the hands of an unnamed assailant."

Sheriff Richard E. Hammett said he knew the name of the wanted negro.

The five friends of Hawkins testified at the inquest that the party had gone to Piney Point for a fishing trip. An hour after their arrival, Hawkins, they said, walked down the pier from the boardwalk and they noticed him in an argument with five negroes.

The Virginians said they ran to his aid but one negro, they testified, wielding an oar, struck Hawkins and knocked him down. A large crowd gathered and stopped the fight with four of the negroes being held for the arrival of officials.

KLAN GATHERS IN MARTINSBURG

MARTINSBURG, Md.—Five hundred members of the Ku Klux Klan gathered here Thursday under the light of a burning barn, said to have been fired by enemies of the klan, and burned a 75-foot cross.

The conclave was thought to have been held to impress the colored population of this town. An hour before the meeting took place a large barn on the farm where they met burst into flames.

Robert Ashley, owner of the farm, said he was not a member of the klan but had given the klan permission to use his property. Many carried side arms and twenty riflemen were placed at strategic positions in the surrounding woods.

Several years ago two klansmen were shot returning from a similar meeting.

Negro Loses Review On Plea of Rights

WASHINGTON, Oct. 9.—(AP)—Euel Lee, alias Orphan Jones, negro, condemned to death for the murder of Green Davis, an Eastern Shore farmer, living near Ocean City, Md., today was denied a review by the supreme court.

Lee contended he was deprived of his constitutional rights by being tried in Baltimore without a negro on the trial jury, or the grand jury which indicted him.

As is customary in denying reviews, the supreme court gave no reason for the action.

Mob Threatens Negro Workers in Maryland

Hearing on Euel Lee Case on Thursday Before Governor

BALTIMORE, Oct. 17.—Another Euel Lee frame-up case loomed here today as a lynch mob, organized in Salisbury, Snow Hill and Princess Anne, attempted to lynch George Armwood, 40-year old Negro worker, arrested in Princess Anne on "suspicion" of attacking Mrs. Mary Denston, a white woman. Armwood was taken to the Baltimore City jail for safety.

State's Attorney John B. Robins announced that a speedy preliminary hearing would be arranged for the Negro worker.

The town of Snow Hill figured greatly in the attempts to lynch Euel Lee, shortly after his arrest on a framed charge of murder. Snow Hill lynch gangs also attempted to lynch Bernard Ades, International Labor Defense, and a woman aide, upon their visit to Snow Hill to defend Lee.

A delegation of workers and intellectuals will visit Governor Ritchie on Thursday to demand executive clemency for Euel Lee, whose appeal for a new trial was rejected last week by the U. S. Supreme Court. Gov. Ritchie had announced his readiness to sign the death warrant at once, but mass protests, organized by the International Labor Defense, forced him to change his mind and agree to receive the delegation.

Phila. I.L.D. To Hold Convention October 21 and 22

Negro Persecution and Fascism To Feature Discussions

PHILADELPHIA, Oct. 18. — The struggle for the rights of the Negro People, the campaigns around Scottsboro, the Yuel Lee Case (Baltimore), the Logan Circle frame-up (Washington, the Berwyn School segregation issue, together with the developing strike situation and the fight against Fascism will feature the annual district convention of the International Labor Defense, called for October 21 and 22 at the Italian Progressive Hall, 1208 Tasker St.

The convention will deal with Fascism in Germany, and the definite Fascist trend in this country under the N.R.A. codes; deportation of militant foreign-born workers, the fight for the release of Tom Mooney and other class-war prisoners, and prisoners' relief.

William Patterson, National Secretary of the I.L.D., will report for the national office. He will also be the main speaker at an open air mass meeting and demonstration at Broad and South St. at 6 p. m. on Saturday, Oct. 21. The convention opens at 10 a. m. on that day, with a convention dance the same evening. M. Stern, district organizer of the I. L. D., James Watson, district secretary, will also speak at the demonstration.

Protest Today To Gov. Ritchie for Aged Negro

BALTIMORE, Oct.—18.—A delegation of workers and intellectuals will visit Gov. Ritchie of Maryland tomorrow, with the demands of tens of thousands of Negroes and white workers for executive clemency to Euel Lee, framed Negro farm hand in whose case the U. S. Supreme Court refused to intervene to set aside the lynch-death verdict. The delegation will be supported by a huge demonstration of workers and sympathizers.

Directly upon the refusal of the U. S. Supreme Court to review the lynch frame-up, Ritchie who was vacationing at Hot Springs, Va., gleefully announced he would not have to await his return to Maryland to sign the death warrant.

"I can fix it here, as soon as we have received official notification of the decision," he declared when Assistant Attorney-General Wm. L. Henderson pressed for a quick carrying through of the legal lynching to forestall the development of a mass movement to save Lee's life. Immediate mass protest forced Gov. Ritchie to abandon his murderous haste and agree to receive a delegation. The delegation will demand that Ritchie extend executive clemency to Lee on the basis of the overwhelming proof of Lee's innocence of the charge of murder on which he was framed.

JUDGE COLEMAN DISPLACES ADES IN LEE COUNSEL

Refuses I.L.D. Lawyer Permission to Practice in U.S. Court.

LEVINSON ALSO DENIED RIGHT

C. McH. Howard Now Named to Lee Case.

BALTIMORE, Md.—A bombshell was hurled into the quietness of the United States District Court when Judge William C Coleman suspended Bernard Ades attorney for Euel Lee, from further practice in the Federal courts when he appeared to file a writ of habeas corpus on behalf of Lee, late Monday.

Mr. Ades and David Levinson were both prevented from practice before the court and Judge Charles McHenry Howard appointed in their stead to carry out the case.

The action of Judge Coleman came after Judge W. Calvin Chestnut had discussed the merits of the procedure instituted by the attorneys for the I.L.D.

The petition for habeas corpus filed against the state of Maryland and the warden of the Maryland penitentiary, along with a writ of certiorari in aid of the writ, was based on the charge that Lee had been denied his constitutional rights because of Jim Crow methods and the barring of Negroes from the jury. The petition asked that the United States District Court take action where the state courts had failed.

In support of the procedure the attorneys had set up a precedent established in the Crawford case in Massachusetts which paved the way for the action. Judge Chestnut ruled that the basis for the action was narrow and that no prima facie case had been established. He denied the writ but said that he would hear further arguments from the attorneys.

After this, Judge Coleman in a scathing denunciation of Mr. Ades, temporarily disbarred him from practice.

"Your conduct in this case nas been so subject to suspicion that until you have been fully investigated, you will not be permitted to continue practice in this court," Judge Coleman said. "The manner in which you appear to have injected yourself into this case and your conduct toward the judges before whom you have appeared, require this court to examine and inquire into the question of your continued practice.

"It is the duty of the court, until it is satisfied that you have met all ethical requirements, to refuse to permit you any longer to practice before this court or to introduce any other lawyer to practice.

"A rule will be laid against you requiring you to show cause why disciplinary action should not be taken against you. You will be given a hearing and an opportunity to answer."

In a statement to the AFRO, Mr Ades said:

"I am still Euel Lee's counsel. The question of whether Euel Lee had a fair trial is a Federal question, which, under the laws of the United States, we have a right to have reviewed in a Federal Court. The Supreme Court of the United States did not review it, and since we have an absolute right to some review by some Federal Court, we are entitled to a hearing in the United States District Court in Baltimore.

"I will use every resource at my command to see that no action of the Federal judges, and that no appointment of counsel, without the consent of myself or Lee, acts to deprive him of these rights."

"I AM INNOCENT," FRAMED NEGRO DECLARES BEFORE DEATH MARCH TO GALLOWS

Police Officials of County Where Armwood Was Lynched, Witness Execution

Negroes In Silent Midnight Vigil Outside Death House

BULLETIN.

BALTIMORE, Md., Oct. 27.—Bernard Ades, International Labor Defense Attorney, obtained an injunction late this afternoon, preventing the burial of Euel Lee in the Potter's Field by the State. Hearing on this injunction will be held at 9 o'clock tomorrow morning.

* * *

By JOHN L. SPIVAK
(Daily Worker Special Correspondent)

MARYLAND PENITENTIARY, Baltimore, Oct. 27.—The pride of Maryland lynched another black man here this morning, and when it left Euel Lee dangling in mid-air it had taught its lawless counties how black men should be lynched—not to the cries of a howling mob, but in the dead of night, in the silence of a white-washed death chamber and with cordons of police around the scene of the lynching.

But when it was all over there wasn't much difference between Euel Lee's swaying, lifeless body and that of George Armwood, who was lynched by a mob in Princess Anne a little over a week ago.

And the 60-year-old Negro, knowing he was about to die, saw clearly that he was but the symbol of the hate directed against his people.

Asserts Innocence to Very End

"I am innocent," he told the Rev. Edgar C. Powers, prison chaplain who spent the last agonizing hours with him, "but I am not so much sorry for myself as I am for my race."

Euel Lee stood at the barred door of the death cell in his stockinged feet, staring at the narrow corridor through which he was soon to take his last walk.

"It's been a long fight and I am an old man and tired. Let's get it over with," he said.

The minister tried to comfort him but the condemned man shook his head slowly.

"It is too late to comfort me," he said slowly, "comfort my race instead."

44 Witness Hanging

The law allows for 20 witnesses, but too many wanted to see Euel Lee hang and Warden Patrick J. Brady managed to squeeze in 44 besides the guards and the deputy wardens. There were county and police officials from Somerset County where George Armwood was lynched, and police officials from Worcester County where Lee was supposed to have killed a white farmer two years ago. They wanted to go back to their constituents and tell them they saw Euel Lee swing in mid-air.

Long before the witnesses and officials were scheduled to start the march to the death chamber, a cordon of police was thrown around the penitentiary lest the International Labor Defense, which had fought for Euel Lee's life through every court in the State and to the United States Supreme Court, stage a despairing last demonstration. But the only one who waited across the street from the jail were a group of men and women waiting to hear that it was all over.

Negroes Keep Midnight Vigil

A few Negroes were in the crowd. They kept to themselves, whispering, and when a policeman passed by they would move on and take up another position. There was little talk among those keeping the midnight vigil on the outside. Within the spacious lobby of the penitentiary office some 20 uniformed guards stood about, puffing nervously at their cigarettes. Warden Brady rolled from office to office and guard to guard. It is not pleasant to take even a colored man and drop him through a trapdoor so that he will swing in midair, and on the night the law says a man must be murdered by the State whiskey flows freely. They want to kill the last touch of humanness that may be in themselves.

The large electric clock on the lobby wall registered 20 minutes to 12. Euel Lee had 20 minutes more to live and the white-faced witnesses stared at the clock. The minute hand scarcely seemed to move. The guards grouped themselves near the large and heavily stocked shelves of the prison library. The witnesses stood about in groups of two and three, conversing in whispers. Every few minutes the heavy, iron-barred gate leading to the outer world would open and another witness passed in. Several ruddy-faced men dressed in baggy clothes entered with grim smiles on their lips.

"Come to See the Party"

"East Shore men," reporters whispered to each other. "That's where Armwood was lynched last week. They've come to see the party."

Bernard Ades, I.L.D. counsel, who had fought desperately for Lee's life, appeared at the door and created a stir for a moment. "I am here only because Euel Lee asked me to be present," he said. "Lee wanted to feel that there was some friendly soul among those who would see him die. I will wait outside the execution chamber. I couldn't bear to see him hanged."

He looked haggard and worn. Silence again descended on the groups waiting in the lobby. The clock read 10 minutes to 12.

A reporter went off to the warden's office and pulled a flask of whiskey from his pocket.

"Christ," he said, shaking his head.

An East Shore man watched him pass the bottle around and grinned.

Suddenly a deputy sheriff stood on the stairs leading to an upper floor. "Gentlemen," he said tensely, "you will all form in line."

His voice quivered. He coughed and wiped his white face.

Deathly Silence in Death Chamber

"I must ask you to maintain complete silence in the death chamber. And take your hats off while in there."

This was directed at the officials and citizens from the Eastern Shore, who might not be inclined to take their hats off when just a "nigger" dies. In a deathly silence the witnesses started shuffling towards the library's shelf upon shelf of books—the accumulated struggle for civilization—while going to see a black man lynched. Down an iron circular stairway where only one man could pass at a time and, suddenly, they were in the prison yard. The high walls loomed against the darkness. The windows were lit as for a party. Past red-painted brick buildings and then shoes struck cobblestones with a startling clatter. In the semi-darkness they looked like an invading horde, and the shuffling sound which had marked their tread now became an ominous clatter. Men hunched their shoulders as if to ward off blows and breathed heavily. Suddenly they were in a high, narrow, white-washed room. Five powerful lights blinded them coming out of the darkness. And there before them was a rope with a hangman's knot tightly tied around the noose.

They shuffled into the death chamber where a black man was to be lynched. They could not take their eyes off the rope that hung from an iron ring in the ceiling directly over the trap-door through which a man was to hurtle to his death in a few minutes.

The trap-door was high, built in a platform about 20 feet from the cement floor. An iron chain strung across the narrow death cell kept witnesses from getting in the way of the doomed man when he was shot into eternity.

Witnesses Tense

The witnesses cleared their throats. They breathed with difficulty and the sound of their breathing was like a gust of wind sweeping through the narrow death chamber.

They wiped the perspiration from their hands with handkerchiefs, each man looking at the other with a set face. Beads of perspiration stood out on some and the labored breathing seemed to increase in intensity until it filled the execution chamber.

The vague sound of indistinguishable voices floated down from a white-washed door leading to the platform. A guard appeared carrying a stretcher which he placed in a corner. On that a man now living would be carried out dead in a few minutes.

It was two minutes after midnight. The minutes dragged. The difficult breathing increased until the tension became almost unbearable.

"Good-bye." The words came clearly through the white-washed door. Euel Lee had started on his last walk.

The Last Few Minutes

And suddenly he appeared, a black cape thrown about his shoulders to hide the strap that bound his arms, a shiny black face that blinked at the bright lights that

Killings-1933

II. Maryland.

glared at his last moments on earth. Three guards led him to the center of the trap-door. His head was silhouetted against the bright light directly behind him, leaving his face in darkness. A guard swiftly placed the noose around his neck and pulled the knot tight under his right ear.

As the rope tightened around his neck, he uttered a faint "Oh." A black hood was slipped over his head. The prison chaplain commenced droning, "Our father who art in heaven" and suddenly the prayer was drowned by a terrific crash. The trap-door swung open and Euel Lee's body hurtled through the door with sickening speed, only to be brought short in mid-air. And there he dangled. A black man in a black cape whose agonizing face was hidden by a black hood. And only his stockinged feet reaching helplessly to the ground six feet below him.

"God almighty," a scared voice whispered. It sounded like a shout in the deathly stillness of the room.

Body Swings for Seven Minutes

The body swung aimlessly. For seven endless minutes Euel Lee swung in mid-air.

The hooded head hung limp with the hangman's knot cutting deep under the black hood. His neck had been broken.

For seven minutes witnesses watched the swinging body and then at a sign from the prison physician a guard commenced lowering the body so that it could be examined. Inch by inch Euel Lee was lowered. The body swung and swayed. Men caught their breath at the gruesome sight of a dead body jiggling in the air.

They turned the dead man's back to the witnesses while the doctor applied his stethoscope. For an interminable time he held it there and then stepped back.

The stretcher was placed under it. Gently—far more gently than any man had ever treated him in life—they laid his body out.

And the proud and christian state of Maryland was satisfied that it had taught black men their lesson.

Maryland Lynchers Wire New Threats to Ades

FATRONS ARE REQUESTED TO FAVOR THIS COMPANY BY CRITICISM AND SUGGESTION CONCERNING ITS SERVICE

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable sign above or preceding the address.

SIGNS

DL = Day Letter
NM = Night Message
NL = Night Letter
LCO = Deferred Cable
WLT = Cable Night Letter
WLT = Week-End Letter

NEWCOMB CARLTON, PRESIDENT — J. C. WILLEVER, FIRST VICE-PRESIDENT

WESTERN UNION

The filing time as shown in the date line on full-rate telegrams and day letters, and the time of receipt at destination as shown on all messages, is STANDARD TIME.

Received at 1 S. Eutaw St., Baltimore, Md.

1933 OCT 28 PM 1 44

MINUTES IN TRANSIT: 31

BRK36 15 XC=SALISBURY MD 28 113P

BERNARD ADES=
1521 WEST BALTIMORE ST=

IF UNABLE OBTAIN YOUR PALS BODY WE WILL GLADLY FURNISH
ONE, JUST AS GOOD ANSWER=
LYNCH COMMITTEE.

Lynch Wire Sent to I.L.D. Attorney

A drawing of Euel Lee as he lay in a Baltimore funeral establishment. (Baltimore John Reed Club).

Lynchers "Promise to Supply Another Body" in Brutal Sneer at Lee's Death

Daily Worker 10/26/33

The Daily Worker publishes above a photostat copy of a telegram sent by Eastern Shore, Maryland, lynchers of George Armwood, Negro worker, to Bernard Ades, International Labor Defense attorney, who played a leading part in the two-year battle to save Euel Lee, legally murdered last Friday morning by the State of Maryland, and members of the United Front delegation which filed protests with Gov. Ritchie against the lynching of Armwood.

A few minutes after the receipt of the above telegram, Ades received the following additional telegram:

"Salisbury, Md., Oct. 28.
Bernard Ades,
1521 West Baltimore St.

We note from press that you and Baltimore authorities are having considerable trouble in making the proper delivery of Lee's body and that you want same for New York demonstration. If Baltimore authorities will not turn it over to you of which you are entitled, advise us. Think we can furnish another body as substitute.

(Signed) Thomas Lynchman."

Both telegrams were accepted and delivered by the same Western Union Company which last week refused to accept for delivery to Gov. Ritchie and President Roosevelt several telegrams from workers organizations protesting against the Armwood lynching and the then impending legal lynching of Euel Lee.

N. Y. EVENING POST

OCT 25 1933

Execution Stay Asked

Maryland Negro's Attorneys Turn to Richmond U. S. Court

BALTIMORE, Oct. 25 (AP).—With less than three days remaining before the scheduled execution of Euel Lee, aged Negro, for the murder of an eastern shore farmer, his attorneys turned to the United States Circuit Court at Richmond, Va., for a stay.

A petition for a writ of habeas corpus was denied last night in United States District Court here, but the judges advised the counsel a certificate of probable cause may be obtained from the higher court.

Charles McHenry Howard, appointed as Lee's counsel, asked for the writ on the grounds of alleged infringement on the Negro's constitutional rights in State courts.

Pelham, Ala. Eagle
October 24, 1933

ANOTHER LYNCHING, AND WHY

Two years ago a Maryland Negro by the name of Euel Lee committed the unpardonable crime. Today his case is still undisposed of, and he loafs in jail at the expense of the taxpayers. He has been shunted about by the courts which have been paralyzed by technicalities and red tape.

How did this affect the people of Maryland last week when another Negro attacked an aged white woman? Several thousand persons formed a mob, battered down the jail door and burned him.

The lynching, of course, is a disgrace to Maryland and no civilized persons will condone it. It seems to The Eagle that the explanation lies in the sluggish idiocy of the courts in handling such criminal cases. Alabama has had, and is having today, a sample of the slow process of court action, and there are three lynched Negroes as a result.

Montgomery recently gave an intelligent example of how to prevent lynchings. Two Negroes were arrested after some brilliant work of two detectives on a charge of attacking a white woman. She identified them, and in less than two weeks the Negroes had been tried and convicted. They are at this hour in Kilby prison awaiting execution.

Let our courts function quickly and surely, and lynch law will decline and die.

Killing-1933

Maryland

NEW BRITAIN, CONN.
HERALD

OCT 27

WITH CERTAINTY AND SPEED

Last night in Baltimore death came to Euel Lee, Negro of 60 years, in the manner provided by law to murderers. And thus ended a celebrated case that terminated in the U. S. Supreme Court and helped cause a subsequent lynching of another Negro.

Two years ago Lee murdered four persons. He was not lynched and he had lawyers who took advantage of every technical precaution. Incidentally one of his trials was overruled by a higher court because no Negro was on the jury. He had to be convicted all over again.

Justice which takes that long to drive home its lesson shows a lamentable weakness.

In Toronto a baby was found murdered yesterday. If the police find the culprit watch how long it takes to give him his desserts. That is why crime is rare in Canada.

The other day a Montreal judge sent a dope peddler to the penitentiary for 14 years, with 10 lashes to boot. The good judge in his lecture before sentence indicated the law must discourage that sort of thing.

and the dope vendor got the limit, with no chance of parole or pardon and such like.

The ideal in law should be to send crooks to the pen as quickly as possible after they are caught. That is one good way to uphold the work of the police, who often are much discouraged to find that after they go to extreme efforts to apprehend a crook—and at personal risk—blind justice lets the crook go on some inconsequential technicality that causes everybody to give the law the horse laugh—especially the crooks on the outside of jails who read the papers.

BALTIMORE, MD.
MORNING SUN

OCT 31 1933

A TIMELY REMINDER

In ruling that the body of Euel Lee be given to the Sheriff, to be disposed of as the law provides, Judge Eugene O'Dunne took occasion to remind the Sheriff what are the duties of officials charged to uphold the law.

Asserting that he was certain the orders of the court would be complied with, Judge O'Dunne thought proper, "in view of the recent exhibition of the failure of the State constabulary, armed as they were, to understand the object of their creation and the purpose for which they are sent out for the enforcement of law and order against mob violence, if interposed," to call the attention of the Sheriff to his authority to enlist the *posse comitatus*, if necessary, to carry out his duty. Judge O'Dunne added that "side arms are made to shoot with and not intended as mere official ornament," and that when it becomes necessary to shoot to suppress disorder shooting is justified.

It is well that there comes from some official source repudiation of the intimation, given after the Armwood lynching, that future mobs in Maryland could set about their work in confidence that their attacks would not be met by effectual resistance. It is dangerous business to permit to go unchallenged the belief that forces of disorder can invade our jails, run roughshod over officers of the law, and then hang, mutilate and burn prisoners of the State without need of apprehending anything more serious than a mere show of resistance.

Officers Stand Guard At Grave Of Hanged Negro

Advertiser
10-30-33

BALTIMORE, Oct. 29.—(AP)—Four armed officers tonight continued to stand guard over the grave of Euel Lee, hanged negro over whose body the warden of the State Penitentiary and an attorney for the International Labor Defense league wrangled in court yesterday and Friday.

A guard was placed over the grave after the spread of rumors that Baltimore communists might attempt to disinter the body and take it to New York for a demonstration and public funeral.

Lee, indicted for the murder of an Eastern Shore farm family of four, was hanged Friday. Bernard Ades, I. L. D., attorney who defended him during two years of legal battle in State and Federal Court, tried to get the body, even appealing to the circuit court, but it was denied him.

CROWD OUTSIDE MAKES MERRY AS LEE DIES

Afro-American

By CLARENCE MITCHELL

BALTIMORE, Md. 11-4-33

As the final preparations for the Euel Lee hanging were taking place, on Friday morning, the chosen few who were able to view the hanging, by special invitation, lost no time in getting to the penitentiary.

Baltimore

Hard-faced men from the Eastern Shore and Baltimoreand, one by one, entered the iron gateway which closed behind each man to prevent any sudden or intrusive arrivals.

A drunken man, who said that he was a lieutenant in the police department, kept asking for Captain Kennedy and begged the guard at the door to get him. "He is a friend of mine," said the alleged official, "and I want to talk to him." Turning aside to another man, he added, "I'll get you in because I have a lot of influence over here."

He finally became discouraged, however, and left assuring the crowd in the vestibule of the jail that he would be back. An anxiety was on the face of each man who stood in the lobby awaiting the summons to see the end of Maryland's most picturesque fight for freedom.

A little after 11:30 p.m., Bernard Ades, defense counsel for the doomed man, came to the gate and offered his card of admission. This was not the Ades of two years ago, who felt sure of his client's innocence, nor was it the young man who vigorously denounced the Governor last week because of the Armwood lynching.

It was a hopeless looking old man who answered to the name of Bernard Ades when the door swung open and he was permitted to enter. "I see you are here to the last, Mr. Ades," someone said. He made no reply but smiled sadly and passed into the lobby.

As foot by foot of the weary last mile was covered by Euel Lee, the crowd outside made merry, even to the extent of eating peanuts and cracking many jokes.

The white taxi driver who was reported to have come to the assistance of Patrolman Joseph Nemic, when the latter was being beaten by Frederick Combs, of Elder Alley, a few weeks ago, arrived and mingled with the crowd outside of the jail.

He, too, was eager to know what was going on but when nobody could inform him, left in ill-concealed disgust.

Only here and there comments dropped about Euel Lee, while the recent lynching of George Armwood figured largely in the current conversation. "Well," said an Irishman who was chewing on some unknown substance, "they sure did that fellow up bad the other day down at Princess Anne." His companion answered, "Not half as bad as—" and as an AFRO reporter moved a little closer, he failed to finish the statement

Euel Lee Marches On

Afro-American

They hanged Euel Lee (alias Orphan Jones) last Friday morning, but his soul goes marching on.

He had been accused of murdering a family of four white persons on the Eastern Shore of Maryland.

His "I am innocent," spoken just before the trap was sprung, contrasts sharply with the verdict of the courts which found him guilty and of the state officials who refused him clemency.

11-4-33

For two years the question of innocence or guilt of Lee has upset the Maryland courts, and attempts to lynch him or send him to the gallows by illegal court procedures had, until last week, proved equally fruitless.

Twice he was on trial in the local courts, twice an appeal of the case to the Maryland court of appeals was sustained. A third appeal failed as well as an appeal to the U.S. District Court, to the U.S. Circuit Court, and the U.S. Supreme Court.

Baltimore Md.

BERNARD ADES SUSPENDED

So effective was the fight of Counsel Bernard Ades and David Levinson, to save the life of Lee, that Mr. Ades, seeking a writ of *habeas corpus* and *certiorari* in the U.S. District Court at Baltimore was promptly suspended from the practice of law, and Mr. Levinson, who is a Philadelphia attorney, was likewise forbidden to prosecute the case.

Opponents of Mr. Ades, who felt him to be guilty of unethical practices in handling this case or any case, it seems to us, might well have filed their charges with the court before Mr. Ades brought his case to the United States courts. No one questions the right of any person to make charges of unethical conduct against a practicing attorney, or the right of any judge to pass upon such charges. What we do say is that it savors of poor sportsmanship to file such charges when a human life is at stake and the fight to save that life is being made under the rules governing legal procedure in our courts.

If opponents of Mr. Ades did not want to injure his case, why didn't they wait until the court had acted?

Why didn't they file their charges in the United States courts when they filed them in the state courts?

EUEL LEE DIES ON GALLOWS REDS FIGHT FOR HIS BODY

Sixty-Year-Old Convicted Slayer Was Not Afraid to Die. Bernard Ades, Broken, Quits Death House. Sheriff Sees Peace on the Eastern Shore.

By RALPH MATTHEWS

Euel Lee is dead. Afro-American 11-4-33

Without a quiver of the flesh, without a tremor of a muscle, the 60-year-old man who protested to the last his innocence of the murder of Green K. Davis and his family at Taylorville, Md., on the Eastern Shore, was dashed through the trap in the death house of the Maryland penitentiary, shortly after midnight this morning. Baltimore, Md.

Lee walked firmly to the trap, and without an expression of fear or emotion stood stolidly erect as officials adjusted the noose. He swayed slightly as the hood was slipped over his head, and at 12:05 the trap was sprung.

Lee apparently died instantly, as there was none of the quivering of the flesh or contortion of the muscles which usually accompany the fall of young men. The moment the body fell, the rope became taut, and eight minutes later Lee was pronounced dead by Dr. E. T. Campbell, City Jail physician. Lee was led onto the scaffold by the Rev. Edgar Cordell Powers, white, Methodist, penitentiary chaplain, who quoted the Lord's prayer as the noose was affixed.

When Dr. Campbell pronounced Lee dead, Dr. Powers delivered the following prayer as the fifty-odd spectators stood with bowed heads:

"Almighty God, unto whom our hearts are open, from whom no secrets are hid, we pray that Thou will be graciously pleased to accept this handicapped child to whom life has been so wretched, and forgive him and all of us for the sins we have committed. Amen."

With this, the body was cut down and carried off by waiting internes.

ADES LEAVES

Bernard Ades, bushy-haired and wild-eyed, who considered himself the only friend that Lee had, arrived at the penitentiary at 11:45. He looked years older, and the buoyant air that had marked his conduct throughout the two trials at Towson was displaced by an expression of absolute dejection.

"I am here," he said, "because Lee asked me to be here. I could not go back on him, but I hate to see this sort of thing."

Suddenly, in answer to the interrogation of reporters, he momentarily regained his old fire and declared, "but someday the working classes will rise up and pay for this."

Ades looked wrathfully at the assemblage gathered in the penitentiary corridor. "What are all these people here for?" he demanded. "Why have they come? Are they so anxious to see a Negro die that they relish this gruesome thing?"

He marched with the group through the penitentiary gates across the yard to the death house. Just as Lee was brought out, Ades forced his way through the witnesses and stood on the outside until after the hanging. He then disappeared.

"I believe he is innocent," said Ades. "He was the bravest man I have ever known. He asked me why I was nervous, and said, 'Look at me. I am not nervous. Why should you be?' When I told him yesterday that I was going to Richmond to take an appeal, he said, 'You need not go, because it will not do any good. They will only phone ahead and stop you. I am not so much concerned about myself, but I am sorry for my race!'"

That Lee maintained his innocence until he stepped upon the gallows was attested to by the Rev. Mr. Powers, who said that Lee had "forgiven everybody," but swore to the last that he was not guilty of the crime.

In the group of spectators were Sheriff Wilber Purnell and Deputy Sheriff William Hall, of Worchester County, who told the AFRO that they were certain the Eastern Shore would be peaceful from now on. "We did all we could for that fellow," said Deputy Sheriff Hall. "We risked our lives to protect him, and we feel that we did our duty."

"I wouldn't be here, if I hadn't signed his death certificate," said Sheriff Purnell. "I don't like hangings."

"We don't know anything about the Princess Anne lynching," both declared. "That didn't happen in our county. Everyone gets along all right in Worchester."

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Killings-1933

Massachusetts

POISON WIDOW, FREED OF MURDER, SIGNS UP WITH NEGRO ORCHESTRA

PEABODY, Mass., Aug. 20.—(AP)—Attorneys for Mrs. Jessie B. Costello, who was recently acquitted of a charge of poisoning her fire captain husband said tonight that she had signed a $2,000 a week contract to appear on a dance hall circuit with a negro orchestra leader.

The lawyers said that she would receive $2,000 a week for a period of 12 weeks.

Mrs. Costello, 31-year-old mother of three children, was acquitted Aug. 15 of charges of murdering her husband, William J. Costello, after a trial lasting more than a month.

Saved by Death

Federal Judge James A. Lowell probably escaped impeachment by his death on Thursday at his home in Massachusetts.

It will be remembered that George Crawford, a Negro who, after murdering two women in Virginia, made his escape to Massachusetts.

The Commonwealth of Virginia made requisition upon the governor of Massachusetts for the extradition of Crawford to Virginia, where he might be tried for his crime.

The Massachusetts governor granted the requisition, but attorneys for the Negro went before Judge Lowell with a writ of habeas corpus, asking the release of Crawford.

Judge Lowell, who had already done many other eccentric things, granted the release of the Negro on the most astonishing ground. He held that if the Negro were convicted an appeal would probably be taken and the supreme court would release him on the ground that Negroes were not permitted to serve on juries in the state of Virginia.

As a matter of law, the judge had no justification for giving consideration to any such facts. Whether the Negro had been properly indicted and convicted in the theoretical absence of Negroes on Virginia juries was something which could only come up on the trial of the case. It was utterly improper for the judge to make any such ruling.

This was clearly established when the case was taken to the circuit court of appeals which immediately reversed Judge Lowell.

The Negro was carried back to Virginia—where, incidentally, Negroes have been placed in the jury box—and arrangements have been made to give the offender a fair and impartial trial.

The people of Virginia naturally were very much wrought up over the opinion of Judge Lowell, and impeachment proceedings were instituted against him in the House of Representatives. It was the purpose of the Virginia delegation to push these proceedings to the utmost. So everything indicates that nothing in the life of Judge Lowell so became him as the leaving of it.

Almost certainly he would have been impeached.

A STEP AHEAD

Between the time when a Massachusetts judge refused to return a Negro to Virginia because that state barred Negroes from its juries, and today when the accused is sent back to stand trial for murder, a great change has taken place. Negroes have been called to jury service in Virginia; a white man who refused to serve alongside of them has been fined; influential white newspapers of that state have declared that jury service should know no color line. In short the contention in the Crawford case is won.

It frequently happens in this makeshift world that things go awry. Out of resentment that new court procedure is forced upon it, Virginia may convict Crawford. If it does, a human life will have been taken as the price of a better system. Regret it though we may, the books of time will show a gain for society, and that after all is what counts.

Jury service is an essential link in the enforcement of law. If it is defective, either the innocent are made to suffer or the guilty escape. The system in vogue in southern states, is intentional. They want some favored and others oppressed. Their methods react on them, but like drug addicts they are too lost to real values in life to care.

Hail, Judge Lowell

Federal Judge James A. Lowell died at Newton, Massachusetts, of crysipelas and pneumonia at the age of 64.

His death ended impeachment proceedings brought against him in the House of Representatives in the much celebrated Crawford case.

Acting in full accord with many a Yankee jurist of the past 100 years, Judge Lowell issued a writ of habeas corpus which freed George Crawford about to be extradited to Virginia on a murder charge.

Judge Lowell pointed out that Negroes were not permitted to serve on Virginia juries, that his grand jury indictment there was illegal and any trial also would be illegal.

Then followed these words which many a Virginian will continue to hear unless the lily-white jury system is changed. Judge Lowell said:

"Why should I send a Negro back from Boston to Virginia when I know and everybody knows that the Supreme Court will say the trial is illegal? I'd rather be wrong in my law than give sanction to legal nonsense."

The Supreme Court reversed Judge Lowell and right now Crawford is on trial in Virginia. But even a supreme court cannot nullify logic and common sense.

Sometimes the law is a plain jackass. Though a jurist, Judge Lowell had no hesitancy in admitting it. When the administration of the law gave him the choice between law and common sense, he chose the latter.

Hail to a Yankee judge. Hail to the scion of a great family of abolitionists.

Hail to a New Englander whose name will go down in history with the Lowells, Whittiers, Garrisons, Phillipses, who hated slavery and battled to wipe it out. Hail to Judge Lowell. Hail and farewell.

Killings-1933

Michigan.

Detroit Aroused Over Many Brutal Killings of Citizens by Police

DETROIT, Mich., Sept. 29.—The epidemic of shooting of Race people by police resulted in another death here Friday morning when Edward Price, 23 years old, was shot and fatally wounded by Patrolman Frank Friday of the Davidson Ave. station.

In the police report Friday state- hat police in a scout car had arrest- ed James Smith, 16, in the rear of a grocery store at 2502 Davidson. Fri- day said he was posted at the rear of the store and asked to be on the lookout for other burglars.

Friday said that he noticed Price emerging from a coal chute and ordered him to halt and fired when he failed to stop. The man died later in the receiving hospital.

Just last week a jury composed of three Race and three white failed to arrive at a verdict in the inquest of Patrolman Starling Markham, who shot and killed Richard Johnson during a disturbance at Hastings and Watson Sts. on Sept. 1.

Prior to the shooting of Johnson several others had been shot and killed, including a 15-year-old boy, who was seriously wounded. The officers have been exonerated after each shooting.

Before the election of Mayor Frank Murphy, police killing of members of the Race was rampant in Detroit. Under the Murphy administration the killings dropped to a very low mark. In fact the mark was lower than at any time in the past two decades.

Immediately after the slaying of Johnson a delegation visited Acting Mayor Frank Couzens' office and demanded a stop be put to the killings. Mayor Couzens, according to those in the delegation, declared that he had no knowledge of the shootings. He further said that he would try to stop them. However, they have continued.

Several organizations, including the National Association for the Advancement of Colored People and the International Labor Defense, have lodged complaints against the promiscuous shooting of Race people by police.

With the mayoralty election in the offing, every candidate seeking the position of chief executive is quizzed about his attitude toward police brutality.

With deaths piling up from the guns of policemen at an alarming rate, Race voters are preparing to use their franchise as a club over the mayoralty candidates' heads. They declare that this is the only solution to the evil.

Killings - 1933

Minnesota

Minneapolis Lynch Verdicts Smashed

Daily Worker

Mass Pressure Saves Two Negro Youths

12-28-33

MINNEAPOLIS, Minn., Dec. 27.—Murder charges against Hardiman and Johnson, Negro youths who defended themselves against a lynch mob, were dismissed today as the result of the mass defense movement organized by the International Labor Defense, which defended the two young workers.

New York

They were arrested several months ago when the leader of a lynch mob chasing several Negro youths was shot and killed by one of the youths. Despite the fact that the shot had been fired in self-defense, the state attempted to railroad the two youths to the electric chair, although it had no proof that either of the two defendants had fired the shot. In the first trial, Hardiman was convicted, but the I. L. D. immediately appealed the lynch conviction and by mobilizing mass protests against the frame-ups has now won a tremendous victory.

The I. L. D. succeeded in gaining the support of scores of Negro organizations and churches, as well as many organizations of white workers.

Hardiman and Johnson will be released in a few days.

Missouri.

tings-1933

"BLOODY WEEK"

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Three murders within six days, two of them in family rows, and two trials for murders already done, marked last week as "Bloody Week." If we do not hang out heads in shame over that record, it is because we have become calloused to the senseless brutality of murder.

Once upon a time this newspaper called upon the police and prosecutor to do their duty. We now confess that we, the Negroes of Kansas City, ought to remove the beam out of our own eye in order that we may better see any mote in the officials' eyes. Police and prosecutor are doing their duty. The detection and capture of bandit Wright for killing Dr. Thomas McCampbell, was so prompt, so well buttressed with evidence, that we commend the detectives. We include with them Prosecutor Mastin for his determination to make an example of the killer rather than take any easier course as a reward to him for pleading guilty.

It is the Negroes who now are failing the law. They are dying,—three in six days—because murder is rife. Yet in a case recently, the slayer went free on a plea of self-defense because witnesses known to have heard threats would not testify. Yet these same witnesses expect the law to protect their rights.

Has society no rights which can enlist them to the point that they will bear witness to the truth? Shame on the men and the women among us who connive at murder by refusing to tell on the witness stand that which they know about crimes committed. Citizens so derelict shame the glorious martyrs who died like John Brown at Harper's Ferry, in order that we might be free! Murder for trivial causes in Kansas City is reason enough for our white neighbors to doubt our fitness for community life!

MURDER IS MURDER

The position of The Call on murder is well known. In our opinion every man that kills another should be brought to trial before a judge and jury. For obvious reasons we have made our principal drive against Negroes who kill Negroes. But we have never excused Negroes for killing whites, nor will we ever treat as a petty crime the killing of Negroes by whites.

For these reasons we look to the authorities of Jackson county, especially the county prosecutor to bring Beals to trial for killing Flournoy. Certain aspects of this killing warrant the fullest investigation. One person gives conflicting testimony though an eye witness. Then there is the death bed story of the victim. The circumstances leading up to the killing are unusual. Treating this killing as a minor matter to be held in abeyance for a $1000 bond is hardly the way to make the law respected. The facts ought to be brought to light in a regular trial where oaths and cross examination make it more likely that the truth will be brought out.

The victim, Flournoy, was a humble Negro. His slayer, Beals, has powerful white connections. Neither of these facts should prevent the most thorough investigation and adequate punishment for guilt. Murder must be stamped out. If one human being can be killed in Blue Springs and it be treated as a minor crime, then a half dozen officers of the law will be shot down by gansters trained in a civilization which cares nothing for human life.

Representatives of the law by permitting a slayer to go free on a $1,000 bond say in effect that they regard what has happened as trivial. They would exact that much bond for an accident. Beal's gun was fired on purpose. Whether with criminal intent a proper trial would disclose. Until that time he should be treated as any other who takes life.

POLICE KILLINGS

The other night, the police killed two Negroes both of whom were suspected of crime. These murders were committed by the police in different parts of the city, and it was not a case of "shooting it out with desperadoes;" but on the other hand, both suspects were shot in the back while fleeing. Of course, police reports of the stereotype sort say that after warning the fleeing victims by shots in the air, they leveled their guns and shot to kill.

Without any attempt on our part to go into the details in these cases, we think it proper to state here that the policemen who did this killing were in no wise justified, and therefore, the Board of Police Commissioners should institute a fair and impartial investigation of these shootings.

Not long ago, Officer Forrest Meldrum shot and killed Theodore Wagner, eighteen year old youth, while fleeing. It was said at the time that this youth had jumped the fence and fell and was lying on the ground at the time Meldrum shot him. This, it is reported, was the fourth Negro shot by this officer which added four notches on the butt of his pistol. This sort of promiscuous killing (mostly Negroes) by the police should be stopped. We have a suspicion, in fact a deep feeling, that the average policeman likes to shoot someone, and most certainly he finds the Negro an easy mark because he thinks that he has the least protection of the law. These officers think that they can shoot a Negro anytime and under any circumstance and "get away with it." This same class of policemen, when they take a Negro suspect to the holdover, regard it as fun to bully, kick, slam and otherwise torture him for the amusement and entertainment of other officials. This ought not to be the case. It is a form of police brutality for which the victim has but little recourse, and the chief of police and the Board of Police Commissioners should not tolerate it.

This comment does not, in any way, express our approval of condoning crime among Negroes. We are opposed to it and are willing to use all of our influence to help stamp it out. Moreover, we have the anguish of soul when we learn that violent or heinous crimes have been committed by members of our race, but we, also, believe that even criminals, and they are in all races and groups, should be treated in the same way, irrespective of race or creed. The sooner the police and law enforcement officers are inoculated with this spirit the better it will be for all concerned.

TOO MANY HOMICIDES

While we are busily fighting without, there is a war going on within which commands the attention of every thoughtful Negro in this community. We speak specifically of the large number of homicides that are committed amongst us almost daily which we regard as a menace to our well-being in a civilization like this. There is no doubt but that there is a class among us who play life too cheaply, due to the fact that there is a lack of thoughtfulness and self restraint among this class of people.

As has been from time immemorial, the masses do little thinking. Therefore greater is the responsibility of the leaders. We would suggest that while the ministers are busy in their efforts to save souls that they stop a moment and speak to the people regarding saving life. And while it is true that we know little about what happens to the soul which "returneth to the God that giveth," yet we know much about the suffering, misery, ostracism, prejudice and hatred which follows in the wake of these homicides.

Remember, "An ounce of prevention is worth a pound of cure."

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NO MERCY GIVEN, NONE RECEIVED

Kansas City Call
Sept 23.
Kansas City, Mo.

It took many years to get the death sentence for the first Negro who killed another Negro in Kansas City, another way of saying this city was slow about treating major crimes among Negroes with the seriousness they deserved.

Murder is murder. There never was any good reason why judge and jury should consider the killing of one Negro by another as any less a crime than if a white man was the victim. The two who have been convicted in Jackson county are in jail awaiting the outcome of the appeal.

The state supreme court denied the appeal of a St. Louis Negro who tried to escape the death penalty for killing another Negro. This decision is indicative of the high court's determination to uphold the findings of the trial court. If that be a precedent, murder in Jackson county will wane. Killers do not risk the gallows.

New Jersey

Killings - 1933 - 1933

JAIL KILLING IS LAID TO NEW JERSEY MAN

GETTYSBURG, Pa., Nov. 20.—(AP) Charles C. Meade, 33, of Jersey City, N. J., was held today on a murder charge in the death of William Boxley, 23-year-old negro of Louisa, Va. Justice of the Peace Howard G. Bowers, at Littlestown, at a preliminary hearing, ordered Meade held for the January grand jury.

Earlier, a coroner's jury blamed Meade for the death of the negro, who was found dead last Friday in a cell of the Littlestown lockup, where he and eight white men had been granted lodging.

Killings-1933

Young Negro Admits Slaying Little Girl

NEW YORK, Jan. 27.—(AP)—A young negro ex-convict was held today for the slaying of 6-year-old Helen Sterler after police said he made a complete confession and showed them how and where he strangled the child.

Lloyd Price, 22, was arrested last night on the hunch of a detective who recalled that he had served two prison terms for unnatural crimes.

Early this morning police said he confessed and he later was reported to have gone to the Brooklyn basement where the child's body was found Wednesday night, and to have reenacted the crime.

A few hours later he was arraigned on a short affidavit charging him with murder and was held without bail for examination a week from today. He stood mute during arraignment, so a plea of "not guilty" was entered for him.

Police quoted him as saying, "I forgot about that kid as soon as I left the cellar." They said he admitted he "might have" had something to do with five other attacks on little girls in the same neighborhood in the last two years, but that he told them he "couldn't remember things very long," and did not know for sure whether he had killed any other children.

New York Jury Convicts Negro In Murder Case

NEW YORK, April 26.—(AP)—Lloyd Price, 20-year-old negro, was convicted of first degree murder today by a Brooklyn jury which deliberated for one hour and five minutes. Price was accused of violating and murdering 6-year-old Helen Sterler last Jan. 25.

DYING, FAILS TO PUT MURDER ON NEGROES

Cook's Statement Doubted by Police, Who Arrest His White Employer

By W. M'D. HOLDER.

A rule in cards is "play trumps when in doubt." In crime it often appears to be "play the Negro." This was manifested last Wednesday when a white man on his dying bed told of being shot early that morning by two Negroes. The circumstances, as related by the victim, were so questionable that police immediately started an investigation. This revealed the alleged assailant, a white man, who is now held to answer a charge of homicide.

According to Charles Acey, 60, a white cook, who said that he resided at 224 Fifty-fourth street, he was walking not far from his home about 2:30 a.m. last Wednesday when two Negroes approached him and asked for a match. While he was fumbling in his pocket one of them, he said produced a gun and without any preamble fired a single shot and fled. He told police that he walked a block then collapsed. He was picked up by Daniel Killduff, 37, white restaurateur of 1171 Seventy-seventh street, he said.

The "Good Samaritan" took the wounded man to his home instead of the hospital. He cared for him there until about noon that day when his condition became so grave that United Israel Zion Hospital was notified. Dr. Custer called and advised immediate removal to Kings County Hospital, where the wounded man died a few hours later.

Detective Frank Rauschett of the Fourth avenue precinct questioned Killduff as to why police and hospital authorities were not immediately notified. Killduff said that Acey did not want a doctor, believing that he was not seriously injured. He denied that he had ever employed Acey or that there had been any quarrel between them. He said that they were just casual acquaintances, but that he had felt impelled to follow Acey's suggestion, "to take him home and fix him up."

Despite his vigorous denial of engaging in a fray with the deceased, police placed Killduff under arrest, and discounted the dying man's confession that he was shot in the chest "by two Negroes." The prisoner, who is held without bail, is to appear in the Homicide Court today for a further hearing.

Saw Prison Murder

Mark Shahian, whose sworn affidavit regarding the murder of James Matthews on Welfare Island led to the investigation by the Daily Worker.

Affidavit Describes Deliberate Murder of Negro Prisoner

Witness to Crime, a War Vet, Framed Up for 'Non-Support'

The startling and gruesome details of the cold-blooded murder at Welfare Island of James Matthews, a Negro prisoner, is given in the following affidavit by Mark Shahian, a witness to the crime.

The affidavit follows:

MARK SHAHIAN, being duly sworn, deposes and says:

I reside in the City and State of New York, and am 37 years of age. I am a citizen of the United States and have been for many years past. In the year of 1917 I voluntarily enlisted in the military service of the United States for overseas duty in the World War and served in the United States Army until February 1919, when I was honorably discharged. I was twice wounded in action. During my service overseas I received the Croix de Guerre from the French Government, and Sharp-Shooting and Victory medals from the Government of the United States.

In July, 1932, I received a prison sentence of one year for the non-support of my wife and two children. I was framed up on that charge and railroaded to jail without being given the opportunity of obtaining counsel, because of my participation in the Veterans' Bonus March to Washington immediately prior to my arrest. I was taken to Welfare Island and transferred after two days stay there to Hart's Island.

While at Hart's Island I found a copy of the "Daily Worker," a newspaper, on the prison grounds. While a number of the prisoners and I were reading it, a guard [illegible] and demanded that he be given the paper and told us that we could not read any such newspapers. On my return to the dormitory that day I was singled out by the keeper and asked who had given me the "Daily Worker." I replied that I had found it on the grounds. He then struck me full in the face with his club, knocking out three front teeth from my lower jaw and breaking and loosening the teeth in my upper jaw. After more questioning he struck me again with the club on the back of my head, causing a large swelling. I fell to the floor, blood pouring from my face. I was taken into the dormitory and about an hour later asked by another keeper whether or not I would like to go to the hospital. I was very weak at that time from the blows and loss of blood and nodded to him that I would like hospital attention. They then took me to the dentist at Hart's Island who refused to treat me at that time, stating that it would be necessary to first determine by X-rays whether or not my jaw was fractured. After examination, he extracted a broken tooth from my mouth. About three days later I was taken to the prison pen at Welfare Island to await an examination by one of the doctors there.

I arrived there Monday, October 17, 1932. I was placed in the dormitory along with about 45 other prisoners. On the bed next to me was lying a Negro about 35 years of age. He introduced himself to me as James Matthews. I gave him my cigarettes as I was not in a condition to smoke. He became friendly with me and told me that he was not feeling well, and that he had not worked that day at the regular prison work because of illness. The next morning, at about 7 a. m. I was told that breakfast is dished out at a mess hall about 200 yards from my dormitory. I dressed and asked Matthews who was lying on his bed dressed, whether he was going to have any breakfast. He shook his head and said that he was not feeling good and that he could not eat anything. I managed to get into the mess hall and not being able to chew any food, I had only a few drops of coffee and then went back to the dormitory.

Matthews was still lying on his bed. I offered him an orange and said it would be a good thing if he took something in his mouth, since it might make him feel a little better. I helped him to sit up and he had a bit of the orange. At 8 a. m. the keeper came around to get all the men to work who had been checked off at the office as being fit for the daily work and routine. The keeper called the names of the men of his gang and finding that Watthews did not respond to the call, rushed over to his bed. He kicked Matthews in the groin (the entire bed consists of a narrow spring which is covered only by a blanket, there being no mattress, and is no more than about one foot from the ground) and shouted: "Get up, you black dog, you can't fool me. Get to work!" Matthews rolled off the bed on being kicked and lay without moving on the floor. The keeper went over to the other side of the bed where Matthews had fallen, gripped him by the hair (Matthews had long black hair) and struck Matthews' head against the cement floor a number of times. I myself was terribly frightened at this time thinking that he might do the same to me. I got off my bed and walked a few feet away. I then saw the keeper drag Matthews from the floor, force him up against the wall, holding him in place by sticking his club in Matthews' stomach with his right hand and holding Matthews by his hair with his left hand. I noticed that Matthews' eyes were bulging out of his head and that he did not seem to be conscious of what was being done to him.

The keeper then cursed at Matthews calling him the dirtiest names, such as, "You black son of a bitch! You dirty black dog! You can't fool me!" While he was saying this he was striking Matthews' head against the cement wall. Matthews then

slumped to the floor without saying a word. He lay on the floor unconscious, his eyes still wide open.

There were about six prisoners in the dormitory at the time, the remainder having left for work. The keeper then went to this office which was about 30 yards away. Through the open door of his office I saw him pick up the telephone receiver and make a call. I was too far away to hear what he was saying. Nobody came in to help Matthews or to give him any medical treatment. He lay there on the floor in the same position, without moving or making a sound. I noticed that blood was streaming from his mouth and that his clothes were covered with blood.

At about 9 a.m. my name and number was called by a messenger and I took my commissary bag to go to the doctor's office. As I left I noticed that Matthews was still lying there unattended. I was sick myself, and frightened to death at what I had seen and I was afraid to say a word to anyone about this or even to offer Matthews any assistance. At the time that I left, the house-gang, composed of about 5 or 6 prisoners who are assigned to do the cleaning work in the dormitory, were mopping the floor and generally cleaning up the dormitory. While Matthews was being beaten all the prisoners were scared to say a word or do anything. They were the "house-gang," prisoners who were almost all dope fiends and got on the "gang" because they bought dope from the keepers.

I waited at the doctor's office until about 11 o'clock at which time I was exhausted and ordered sent to the Correction Hospital for X-rays and treatment. I got to the hospital ward at about 3 o'clock and noticed that Matthews was lying in a bed in the same ward absolutely unconscious, his eyes still staring, wide open. He did not move or make a sound. The dormitory doctor came over to Matthews every once in a while to examine him. I went over to Matthews a few times, whenever I could leave my bed, to speak to him and to see if I could help him in any way, but he just stared and did not say a word.

I went over to a Negro nurse, himself a prisoner, and told him exactly what had happened that very morning. On hearing the story the nurse became very angry and said that he would positively report the whole matter to Negro societies and tell them all that had happened. He said that he would try to give the story to a messenger who could leave the Island and go directly to the Negro societies.

The nurse said that it would not do any good to make any report to anybody on the Island and that as a matter of fact he would be afraid to do anything like that. He told me the next day that he could not get a messenger and that he would have to wait with the exposure until he himself was released.

Matthews was in the same condition all that afternoon and evening. On the next day, Wednesday, October 19, 1932, in the early afternoon, a curtain was drawn around his bed. No one was then allowed to attempt to speak to him or to go near his bed. The nurse told me, and it was generally rumored around the ward that Matthews was in a dying condition. There was a curtain around Matthews' bed all day Wednesday, Thursday and Friday.

On Friday I was removed to a different dormitory where I still received some medical treatment. On October 25, 1932, I returned to the ward where Matthews had been. I noticed that Matthews' bed was empty. I asked the Negro nurse whom I had spoken to before what had happened. He told me that Matthews had died. The nurse said that they had constantly been trying to revive Matthews, but that since the time Matthews had been taken into the ward he could neither speak nor move, nor give any sign of consciousness. I told the nurse that if it was the last thing I ever did, I would expose all the rottenesss that went on in the place, and that I would let the whole world know that Matthews had been murdered.

I have told this story of my own accord, and every word of this affidavit is the truth.

(Signed) **Mark Shahian.**

Sworn to before me this 12 day of August, 1933.

David Schreibman,
Commissioner of Deeds, New York City.
N. Y. County Clerk's No. 422
Commission Expires Nov. 15. 1934.

Killings-1933

New York

INVESTIGATION BY DAILY WORKER SHOWS VICTIM BEATEN TO DEATH; AFFIDAVIT BY EX-INMATE BARES DETAILS OF ATTACK

Daily Worker 9-11-33

New York, N.Y.

"Negro's Head Pounded by Jail Keeper Against Cement Floor and Wall," Witness Swears

"Daily" Lays Formal Charge Before District Attorney Crain, Demands Action

By JOHN L. SPIVAK.
Author of "Georgia Nigger"

NEW YORK.—Murder, brutality and rampant crime on Welfare Island deliberately suppressed by public officials have been uncovered by the Daily Worker and evidence of them presented to District Attorney Crain for prosecution.

An eye witness to the murder of James Matthews, a North Carolina Negro serving 90 days on the Island penitentiary, has agreed to testify before the Grand Jury.

Affidavits regarding other suspicious deaths have been secured from several persons who signified their willingness to testify.

Matthews was beaten to death by a prison keeper shortly after 8 o'clock on the morning of Oct. 18, 1932, during one of the frequent periods when the Island was torn by riots on the part of the prisoners and viciousness on the part of prison keepers. The reason for the attack upon him was that he was too ill to get up to work.

Prison Medical Examiner and Officials Join in Hushing Up Atrocious Crime

The prison officials, fearful of the scandal that would result from publicity about the murder hushed up the ghastly crime with a noncommittal certificate giving the cause of death as "coma—from undetermined causes." The Medical Examiner's autopsy also hushed up the physical condition of the Negro with the bland statement that "there were no obvious injuries."

JOHN L. SPIVAK

According to the eye witness, Mark Shahian of 353 Beekman Ave., the Bronx, who was an inmate at the time for non-support, Matthews' head was pounded by a prison keeper against the cement floor and wall of the penitentiary until he lost consciousness. The Negro was then taken to Correction Hospital where he died several days later.

Efforts on the part of the Daily Worker to examine Matthews' hospital record and death certificate met with vigorous opposition from Commissioner William J. Cahill of the Department of Correction, which has jurisdiction over the institutions on Welfare Island.

In the affidavit Shahian signed, which the "Daily" forwarded to the city prosecuting authorities, he tells of seeing Matthews ill and unable to get up to work on the morning of Oct. 18, 1932. The keeper, according to Shahian, rushed over to the Negro's bed and kicked Matthews in the groin, shouting:

"Get up you black dog! You can't fool me! Get to work!"

"Matthews," the affidavit continues, "rolled off the bed and lay without moving on the floor. The keeper went over to the other side of the bed where Matthews had fallen, gripped him by the hair (Matthews had long black hair) and struck Matthews head against the cement floor a number of times."

Cold-Blooded Murder of Defenseless Negro Is Described in Affidavit by Witness

The Negro, whose skull was apparently fractured, lost consciousness. Nevertheless the keeper raised the limp body by his shirt collar shouting:

"You black son-of-a-bitch! You dirty black dog! You can't fool me!"

"While he was saying this he was striking Matthews' head against the cement wall. Matthews then slumped to the floor without saying a word. He lay on the floor unconscious, his eyes still wide open."

The official records which the Department of Correction is trying to keep from becoming public show that Matthews was removed in an unconscious condition to Correction Hospital where, for several days Dr. George Gordon, chief of the hospital staff, and two other physicians tried vainly to revive him. The nurses' and physicians' records at the bedside disclose the sickening details of the Negro's last agonizing days before he found a merciful death.

Dr. Gordon attributed his death to "coma—from undetermined causes," and the other attending physicians, if they knew what was on the death certificate, maintained a discreet silence. The body was sent to the Morgue for autopsy but the Medical Examiner, too, failed to find any "obvious injuries."

Prison officials notified Matthews' sister in North Carolina that she could claim the body, the Daily Worker learned, but the penniless Negro woman was unable to raise the money and the victim was buried in an unmarked pauper's grave.

The shocking story of the murder came to light when Shahian wrote a letter to the Workers' Correspondence Editor of the "Daily," telling simply and apparently not realizing its gravity, how the prison keeper had beaten Matthews to death. An investigation to check on his charges was immediately begun by the Daily Worker with the result that it established that Shahian was in the penitentiary at the time of the alleged murder in the section of the pen where the murder occurred. In addition Shahian's other statements regarding incidents in the penitentiary, dates and other important facts were checked and their authenticity established. Shahian, the "Daily" learned, had been sent to the Island for non-support. He is a World War Veteran, honorably discharged and holder of the Croix de Guerre from the French Government for conspicuous bravery in action.

"The Face of the Keeper As He Killed Inmate Is Forever Engraved in My Mind"

Shahian signed an affidavit testifying to what he had witnessed and stated that he would be glad to appear before District Attorney Crain and repeat his testimony. He added that if the District Attorney, because of his Tammany affiliations, did not proceed with investigation of the charges he would personally insist upon appearing before the grand jury and telling his story.

"I do not know the name of the keeper who killed Matthews," Shahian said. "I was there only one day but I could recognize him in a million. His face and his curses as he killed that poor devil is forever engraved in my mind.

"But it should not be difficult to establish who the guard was, for Matthews was a 'workhouse member' as some of the prisoners are termed and was assigned to this keeper. The assault that resulted in Matthews' death occurred shortly after eight o'clock on the 18th of October and this keeper had come on duty at 7:30 A. M.

"The officials should have no difficulty finding out who that guard was and I can identify him when I see him.

Negro Is Murdered at Welfare Island

(CONTINUED FROM PAGE ONE)

"There were six or seven other prisoners there when Matthews was murdered. They were dopies and the officials ought to be able to learn who they were — if they want to, though some of the dopies are scared of the guards lest they don't get any more drugs. What you know, you can get shots in the arm right out in the open on Welfare Island. Some of the guards themselves supply the dope."

Daily Worker 9-11-33 New York, N.Y.

A copy of Shahian's affidavit that he saw Matthews killed has been forwarded also to Dr. Harold Rypins, Secretary of the State Board of Medical Examiners with headquarters in Albany, for investigation of Dr. George Gordon and the other physicians who attended the Negro who did not "notice" that his "coma" was from ascertainable causes. Other affidavits showing incredible carelessness or callousness on the part of the attending physicians in the care and treatment of prisoners have also been forwarded to Dr. Rypins for investigation so that the physicians found guilty may be brought up on charges before the Medical Grievance Committee and their licenses to practice revoked.

That evidence dealing with the open distribution of narcotics within the prison walls right under the noses of the officials has been presented to U. S. District Attorney George Z. Medalie for investigation and prosecution under the federal narcotic law.

Hathaway Demands Action

Yesterday Clarence Hathaway, edi-

tor of the "Daily Worker," forwarded the letter to District Attorney Crain demanding an immediate investigation into the charges contained in Shahian's sworn affidavit and prosecution of the officials involved:

"September 9, 1933."

"District Attorney Crain
"137 Center Street
"New York, N. Y.
"Dear Mr. Crain:

"Enclosed is the original affidavit which we have received from Mark Shahian of 353 Beekman Ave., the Bronx, regarding the hitherto suppressed murder of one James Matthews, on Welfare Island in October, 1933.

"Mr. Shahian's affidavit also reveals horrible conditions existing in the city penitentiaries. His charges are of so grave a nature that we earnestly urge you to institute an immediate investigation of them to be followed by prosecution of those officials found guilty.

"Every effort has been made by Commissioner of Correction William J. Cahill, to frustrate the 'Daily Worker's' efforts to check Mr. Shahian's statements. Nevertheless, the 'Daily Worker' has established the authenticity of his dates and a considerable portion of his testimony. Mr. Shahian is ready to appear before the Grand Jury and tell his story as soon as you call him.

"Very truly yours,
"C. A. Hathaway,
"Editor."

* * *

TOMORROW THE DAILY WORKER WILL TELL THE AMAZING STORY OF HOW TAMMANY OFFICIALS ARE TRYING TO SUPPRESS THE FACTS ABOUT MURDER, BRUTALITY AND DOPE SMUGGLING ON WELFARE ISLAND.

Dope Traffic and Crime Rampant at Prison; 'Investigations' Bring Whitewash

Riots, bloodshed, dope peddling and other scandals have marked Welfare Island during the past two years and earned it the title of "The School For Crime."

Investigations have been conducted into the vicious brutality of the guards, killings and other numerous crimes but invariably these have been whitewashed by the officials. Prisoners fearful of talking lest "it be taken out on them," have protested ignorance and maintained closed mouths. Even a federal investigation into the open sale of dope on the Island was fruitless, the authorities either being balked by terrified prisoners or unwilling to probe too deeply lest worse scandals be uncovered.

The Tammany Brand

The Tammany mark on the Island was clearly seen in the case of Joe Rao, alias Joey Raio, Joseph Consers, and other aliases, who was involved in one investigation regarding the murder of George Holshoe on Oct. 23, 1932. The investigation resulted in a whitewash.

Rao, a gangster in his own right and a henchman of Dutch Schultz, the beer baron, was arrested on a charge of beating up a policeman. Magistrate Edward Weil, despite the fact that the policeman showed his bruises, decided that there was not sufficient evidence on which to hold the gangster, and suggested a charge of simple assault.

When the gangster was released on bail he was re-arrested on a charge of extortion and finally sentenced to an indeterminate period in the penitentiary.

Rao immediately organized a dope peddling ring right in the jail, according to an investigation by federal authorities. Over the control of the dope ring, a fight started in the warden's office which resulted in the murder of Holshoe. A free-for-all riot broke out, the prisoners finding release against the brutality of the guards in fights, attacks on the keepers, shouting and yelling. Bombing planes were sent over the Island, 350 heavily armed police were rushed to the scene, and several investigations started.

When the authorities had secured control over the situation District Attorney Crain assigned two assistants, Saul Price and George M. Carney, to investigate the Holshoe murder and the causes of the riot. In the meantime Warden Joseph A McCann, announced that struggle for the control of the dope selling ring had nothing to do with the riot but that it was caused by two factions—one Irish and the other Italian.

Negro's Death Hushed Up.

The Assistant District Attorneys after their investigation, announced that there was no evidence of dope selling and also stated that the riot had resulted from a fight between the two factions.

George Z. Medalie, U. S. District Attorney, nevertheless hailed the warden and a number of deputies before the federal grand jury to testify on the open sale of dope on the Island. The grand jury refused to find indictments against anyone.

James Matthews was murdered by a prison keeper during this period and lest other unfavorable publicity result, the death was hushed up along with several other suspicious deaths.

Preceding this outbreak another riot occurred in August 1930 when 400 prisoners clashed on the penitentiary grounds, attacking each other and the guards with bats, clubs, sharpened sticks and chairs. An investigation of this riot also resulted in a white-wash despite the fact that 27 prisoners were injured.

The attitude of prisoners towards confinement in "The School for Crime" was shown when on January 24, 1931, Herman Metzner, a drug addict, pleaded pitifully with County Judge Martin in Brooklyn not to send him to Welfare Island "for even the keepers there peddle dope" he said in open court.

"I want to break myself of the habit," he begged. "But you enter in there shattered and come out worse."

Active Dope Traffic.

Deputy Commissioner Joseph Fishman who interviewed Metzner later announced that the prisoner refused to name the keepers who peddle dope. Fishman frankly stated that Metzner was agraid to talk for fear of what would happen to him if he "squealed."

On April 10, 1931, enough heroin was found on two prisoners to make 1250 papers which are sold for $1.00 each.

On June 7, 1931, Nnckolas Andreski, a butcher was arrested at the city hospital on the Island with a large quantity of narcotics. Apparently he was competing with the dope ring. The butcher's salary was $75 a month but his bank books showed deposit of $900 during the preceding four months.

On July 5, 1931, Charles Michael Feisel was stabbed on the penitentiary grounds.

On the September before Louis Elia, who "did not play fair" with the prison narcotic ring, was found murdered in his cell.

On October 16, 1931, Robert Weiner, a prisoner said to be involved in peddling drugs, was found seriously injured in his cell.

"Welfare" Island Indeed!

Daily Worker 9-11-33

Prisoners herded back into cells after the last outbreak—the most recent of a long series—at Welfare Island. Brutality and rotten food in the graft-ridden prison have resulted in frequent revolts on the part of the inmates. Inset shows Henry O. Schleth, the "frank" warden of Correction Hospital, who thought there would be no objection to examining records of the Matthews murder "if it wasn't so near election time."

Welfare Island Called 'The School for Crime'

Daily Worker 9-11-33

"I Saw the Killing"

conscious of what was being done to him.

The keeper then cursed at Matthews callin him the dirtiest names, such as, "You black son-of-a-bitch! You dirty black dog! You can't fool me!" While he was saying this he was striking Matthews' head against the cement wall. Matthews then slumped to the floor without saying a word.

know that Matthews had been murdered.

I have told this story of my own accord, and every word of this affidavit is the truth.

Sworn to before me
this 12th day of August, 1933.

Mark Shahian

Excerpt from sworn story of Matthews' murder which Tammany ...als are trying to suppress

Killings-1933

Carolina Whites In Dramatic Midnight Ride To Save Life Of Doomed Slayer

Public Sentiment Prompts Ruse to Keep "Henchmen" From Paying Supreme Penalty While Bosses Go Free.

By SAMUEL TICE (for ANP)

RALEIGH, N. C., Aug. 31—One hundred fifty-eight years ago a somewhat nondescript Yankee made himself famous in his country's history by sounding the alarm that the British were coming. All through the night rode Paul Revere in a desperate effort to awaken the Colonists to their defense. The years have added to, rather than detracted from, the inspiration of his noble act.

Last Thursday night three North Carolina white men rode to save the life of Johnny Lee, a Negro.

Two executions had been scheduled for Friday morning—that of Lee and of Ed Deaver, a white man. The governor commuted the penalty of the white man to life imprisonment and left the black man alone to die.

But there were Southern white men who were determined that Lee should not die Friday morning. And he didn't.

Two Negro killers whose cases are unusual now occupy Death Row at the State prison. They are Johnny Lee from Harnett county and Theodore Cooper from Durham. Cooper killed a white man, Lee killed a Negro. Both Cooper and Lee killed for hire. A white man employed Cooper to kill another white man, the motive being to pay Cooper $200. A Negro employed Lee to kill another Negro, to collect insurance. He offered the motive being to collect insurance. He paid Lee $75.

The killers and their employers were tried. The employers were convicted of being acessory to the murder before the fact and both were sentenced to life imprisonment. The actual killers, Cooper and Lee, were sentenced to be executed.

Strange as it may seem, the North Carolina law requires such sentences. But public sentiment in both counties has revolted against a law which spares the man who plans and pays for murder and sends his ignorant dupe to death.

In both cases the Negro killers were of low mentality. The employers were men of intelligence. Asa Herring, the colored man who employed Lee to kill his (Herring's) brother-in-law, Jacob Hill, was educated at Tuskegee Institute and Shaw University. He was farm demonstration agent for Harnett county.

The white people, including the judges and the solicitor, in Harnett county and at Durham, are determined that Lee and Cooper shall not die if the men who employed them to commit murder are allowed to live. The law does not prescribe the death penalty for the accessory before the fact, so Herring and the white murder planner cannot be given a death penalty. The only way to equalize the penalties is to save the lives of Cooper and Lee.

In the face of the governor's refusal to commute Lee's sentence, the whites of Harnett county launched a novel plan to postpone his execution. After Lee was convicted he told officers that Herring had murdered Arthur Campbell by poison.

"He wanted Campbell to kill Hill," Lee stated. "Campbell balked and Herring poisoned him. He told me he would take my life if I did not kill Hill."

So, in order to save Lee's life, Harnett county has decided to bring up a new case against Herrin. And Lee's execution must be postponed if he is to be a witness against Herring for the murder of Campbell.

In order to bring this about three white men—C. L. Guy, Ellis Goldstein and H. G. Tilghman—rode desperately over Harnett county Thursday night, starting at midnight. Their obect was to get the signatures of a majority of the county commissioners to an agreement binding the county to pay up the $150 for the exhumation, autopsy and chemical examination of the body of Campbell.

After securing the signature of E. L. Cook, one of the commissioners, the three white men set out for the home of J. B. Ennis, chairman of the county board, at the eastern border of the county. Mr. Ennis signed. The three Paul Reveres then drove to Bunn Level on the southern boundary of the county, where they aroused Commissioner Daniel Byrd from his sleep. Mr. Byrd, knowing of the sentiment in behalf of Lee, signed without hesitation.

The men then sought out a fourth commissioner, Harvey O'Quinn, at Mamers, who also signed. It was then 2:30 in the morning, but they hastened to Dunn and aroused the county attorney, I. R. Williams. They prevailed upon him to reach by telephone the man who prosecuted Lee, Solicitor Clawson Williams, in the Hotel Goldsboro at Goldsboro. The solicitor was informed of the document and signatures obtained by the three men. He agreed to recommend a 30-day reprieve. He immediately called Parole Commissioner Edwin M. Gill at Raleigh, who granted the reprieve.

At 6 o'clock in the morning the three wnites, who had worked all night to save the life of Johnny Lee, went home to their beds, and at the 10:30 in the morning, the hour set for his execution, Johnny Lee was thinking about his next lunch.

OFFICER'S SON SLAYS NEGRO ASSAILANT

RALEIGH, N. C., Sept. 9.—(AP)—Deputy Sheriff Guy C. Massey of Wake county, was shot twice today by Elvis Richardson, a negro, who in turn was shot to death by the officer's son, Guy C. Massey Jr., on the streets of Zebulon, 25 miles east of Raleigh.

The shooting occurred when Richardson resisted arrest on a warrant charging him with discharging fire-arms at a church several weeks ago.

Dist. Atty. Probes Fatal Beating of Negro Prisoner

The District Attorney's office began Monday an investigation of the charge published in The Daily Worker, that James Matthews, a Negro prisoner formerly of North Carolina who was serving 90 days on Welfare Island, had been beaten to death by a prison guard.

The story published in The Daily Worker was based on an affidavit of one Mark Shahian, who alleges he saw the prisoner beaten to death on August 18, 1932.

Commissioner of Correction William J. Cahill expressed willingness to allow Shahian to visit Welfare Island and pick out the accused keeper if he could.

CHARLOTTE, N. C.
NEWS

SEP 19 1933

THE LAW, SAYS THIS CORRESPONDENT, OUGHT TO BE OBSERVED, EVEN BY POLICEMEN.

Sirs:

A few days ago Gus Pasley, a friendless Negro, was tried for his life on a charge of having killed a policeman. The state relied almost wholly upon a confession which the Negro claimed had been forced from his lips while the policemen had him in fear of his life. Even when the officers told their side of the story it was so repugnant to the court that the judge ruled it out as evidence. Then people came from a distance and showed conclusively and to the satisfaction of the jury that the Negro could not have committed the crime for the simple reason that he was several hundred miles away from Charlotte at the time.

That is over now, the accused having been acquitted by an intelligent white jury and under the charge of an impartial court. But what has been done about the treatment of the Negro by the officers? What has the mayor or the city council had to say? If they are going to let such conduct go unnoticed then we had as well dismiss them and let the police run the town. Mr. Editor, life and liberty and human rights ought to be respected even by a policeman. He ought to be made to respect them, and the ones who perpetrated the injustice on that helpless Negro ought to be dismissed without further ado.

S. B. REDWINE.
Charlotte.

Carolina Supreme Court Sets Death For Framed Negro

I. L. D. Charges Court Purposely Erred to Quash Appeal

CHARLOTTE, N. C.—The North Carolina state supreme court, deliberately passing on an incomplete appeal to justify its lynch-maneuver has ruled that John Lewis Edwards, Negro boy framed on a charge of murdering a street car conductor, must die December 8.

The International Labor Defense, handling the appeal, have charged that the clerk of the court, and the court itself, deliberately made an "error" in passing upon the papers filed in the appeal before they were complete, after notifying the I. L. D. attorneys that the case would not come up until spring.

This gave the supreme court an excuse to throw out the appeal on technical grounds, though the evidence clearly showed Edwards' innocence. This maneuver, the I. L. D. charges, is evident in the setting of so close a date for the execution—another attempt to prevent action to forestall the legal murder.

Stay of execution is being demanded by the I. L. D., while its lawyers prepare the necessary papers to complete the appeal. The I.L.D. has asked that all workers and workers' organizations throughout the country, help stop this local Scottsboro legal lynching by rushing protests to Governor Gheringhaus, Raleigh, N. C.

I. L. D. Asks New Trial for Negro Boy in Charlotte

New Evidence Shows Frame-Up Character of Trial

CHARLOTTE, N. C.—A motion for a new trial for John Lewis Edwards, 18-year old Negro boy sentenced to die on a framed charge of murder was made by Attorneys Conrad O. Pearson and Cecil B. McCoy, representing the International Labor Defense. The motion was made before Judge W. F. Harding of the Mecklenburg County Supreme Court and told of new evidence proving that the charges on which the boy was convicted are untrue.

Judge Harding has attempted to "stall off" the appeal on the claim that he must "examine the court records and affidavits before he can give an answer." The judge has the aid of the Charlotte News, which is doing its best to minimize the importance of the case and dampen the mass defense that has been built up.

J. L. Edwards is one of a group of 70 Negro youths that were picked up by local police and by brutal third-degree methods were forced to "confessing" guilt of murder.

Killings - 1933

North Carolina

CHARLOTTE, N. C.
NEWS

MAY 7 1933

Again and Again.

Again it has happened that a white man guilty of killing a Negro receives a complimentary acquittal from a jury of his peers. This time the incident takes place at Greensboro, where one John Harris, 24-year-old textile worker, takes up his life again a free man.

Not qualified ourselves to pass judgment, we are willing to accept the opinion of the presiding Judge who, upon receiving the jury's verdict, could not restrain a scathing rebuke to the effect that the whole thing bordered on the farcical. Said Judge Stack:

"Gentlemeen of the jury, you hame made a very great mistake. This defendant was clearly guilty of murder in the first degree, and your verdict is totally a miscarriage of justice . . . This poor darkey was shot down in his own home, inside his own door, by a man who was mad with him and armed with a pistol."

Not so long ago a speaker declared that in North Carolina "only the ignorant, the feeble-minded, the poor and the Negro are executed." It is increasingly plain as time goes on and as our courts of law continue to dispense more than one kind of justice that this charge should be extended and redrawn.

Let us agree insofar as the races are concerned that in North Carolina

A. White men who kill Negroes are immune from execution;

B. Negroes who kill Negroes may likewise feel safe.

But let us stop there before the equation frames itself to deal with Negroes killing white men. For when you have reached that point, immunity has been left far in the rear.

NORTH CAROLINA JUDGE MAKES EFFORT FOR "BETTER JUSTICE"

Asks Governor to Commute Man's Death Sentence to Equality With White—Strange Change of Attitude Looks Like Brighter Day For Negro In N. C. Courts.

RALEIGH, N. C., June 22—(CNS)—Judge Walter L. Small, the presiding judge in two murder trials here recently, dealt out justice in such a peculiar manner to the two prisoners—one a Negro to whom he gave a death sentence, and the other a white man to whom he gave life imprisonment on the same facts—that he now requests the governor of the State to commute the Negro's death sentence to equality with the white man's.

Last February J. M. Lasater, white, was murdered. Theodore Cooper, Negro, was convicted of the murder.

Will H. Hessee, a white merchant, was charged with offering $200 to Cooper for Lasater's death. He and his wife held an insurance policy for $11,000 on the man who was killed. To collect this $11,000 he wanted the man killed and so hired Cooper.

The Negro was sentenced to death. The white man was sentenced to life in prison. Both sentences by the presiding judge—Judge Walter L. Small—who now requests Governor Ehringhaus, who is the only one under the law who can do it, to commute Cooper's sentence to life imprisonment, to equalize the punishment in the two cases.

In pronouncing the sentences, Judge Small told Hessee he had "caused to be taken a human life. You have made a widow and orphans. You have wrecked three or more families, including your own. You have not and never will accomplish your motive."

Turning to Cooper, the judge told him: "This should teach those who are, or may be, under domination of others that they must not commit such a heinous crime as you have committed."

Judge Small now also urges the governor to use his influence at the next Legislature to make it possible for the judge upon the bench to deal out justice in such cases without recourse to the pardoning power of the governor. He urges that the law be amended to give the judge greater discretion or to equalize the punishment in such cases. This movement for justice in such cases which may arise in the courts is commended on all sides by unprejudiced people.

OXLEY TO PROBE BLACK CASE

RALEIGH, N. C., June 22—Governor J. C. B. Ehringhaus has directed Lieut. Lawrence A. Oxley to make a thorough investigation of the facts in the case of Sara Black, Negro woman convicted of first degree murder in Wilson County and sentenced by Judge R. Hunt Parker to be electrocuted at the State's Prison Friday morning, June 30th.

This case marks the first conviction on a capital charge of a Negro woman in the history of the state and the second of a woman in the history of the state, the other case being that of Ida Bell Warren, white, convicted in Durham County about ten years ago whose sentence was commuted to life and who was recently paroled by Governor Gardner.

RALEIGH, N. C.
NEWS OBSERVER

JUN 21 193[illegible]

TWO WOMEN

Attorneys from Wilson will appeal to Edwin M. Gill, parole commissioner, next week for a commutation of the death sentence of a Negro woman now on Death Row here. The plea will present again the question: Will the State of North Carolina execute a woman? That is practically the only question involved in the requested commutation

The Negro woman on Death Row is the second woman who has come to Raleigh for execution since the State substituted electrocution for hanging. The other woman was white. Her sentence was commuted and she ultimately regained her freedom from prison. Whether or not the State should electrocute a woman is a nice question in chivalry and humanity, but it is only justice to follow the same rule in the case of the Negro woman which was followed in the case of the white woman.

Durham, N. C. Herald
June 15, 1933

THE TRIAL JUDGE SPEAKS

—o—

We believe that the Durham public will support Judge Walter L. Small in asking Governor Ehringhaus to intervene in behalf of Theodore Cooper, Negro, to the end that he receive the same punishment accorded W. H. Hessee, the white man who stands convicted of engineering the murder of J. N. Lasater. Judge Small presided over the trial and is familiar with the facts in the case. He brands Hessee as the "master mind" who planned the crime and speaks of Cooper as a "man of weak mentality and little will power," who carried out orders.

The suggestion of the trial judge that the law in the case be changed by the next legislature should receive the attention it deserves and we hope Governor Ehringhaus will see fit to commute the death sentence given Cooper to life imprisonment, as recommended by Judge Small. The verdict of the jury was such that forbade Judge Small from doing other than he did in fixing the punishment of Hessee and Cooper. We are not disposed to criticise the jurors for their verdict but justice demands that Hessee be punished to the same degree as the Negro he hired to commit the heinous crime charged against the two.

If capital punishment is ever justifiable a man who hires another to commit a murder in cold blood and the man who commits the act are fit subjects for that punishment. We are not here arguing that Theodore Cooper faces more punishment than he deserves but rather that he and Hessee should suffer the same fate. There is now but one way to equalize the punishment and that is by clemency at the hands of Governor Ehringhaus. Judge Small has stated clearly he gladly would have evened the punishment had he possessed the authority.

Judge Small Asks Reform

IN A LETTER to Governor Ehringhaus, Superior Court Judge Walter L. Small takes the initiative in a matter of justice relating to a murder case recently tried before Judge Small in Durham.

A white man instigated the death of one of his neighbors by the hand of a colored man. Under the code, Judge Small had to sentence the Negro to the chair, but he could do no more than denounce the white man and send him to prison for life.

Now the Judge asks Governor Ehringhaus to commute the death sentence to imprisonment for life, so that the more culpable of the prisoners shall not suffer the lighter punishment.

Judge Small also asks the Governor to use his influence with the Legislature to have this inequity of the statute removed.

The case in question presents a particularly abhorrent illustration of the weakness in the existing law. The evidence showed, according to Judge Small, that the white man had plotted the murder and persuaded the Negro to carry it out. But there must be many cases in which an "accessory before the fact" is legally granted an immunity which every day reason and elementary justice would reject.

Rocky Mount Telegram

Judge Small's Defense

Criticism of the trial in Durham county in which a white man, convicted of procuring a murder and, in a moral sense at any rate, entirely to blame for it, is sentenced to life in prison while the Negro, a simple minded person, who fired the fatal shot is sentenced to die has been rather severe and, by all odds, a merited one. It is indeed a strange predicament that permits the obviously guilty man whose mind conceived the murder and whose efforts brought it about to escape the chair while the dupe who fired the shot must die. Yet, Judge Walter L. Small, who presided over the trial and who passed sentence, brings out clearly that the difference in sentence is in keeping with the laws of the State and is something of an established practice in North Carolina. If the jury will not convict, the judge cannot sentence. In this case the white man convicted as an accessory before the fact is not guilty of a capital offense in North Carolina while the offense of pulling a trigger or weilding an axe that causes death is satisfied only with the full penalty under the law.

Governor Ehringhaus is asked to extend clemency to the Negro and permit him to serve out the remainder of his days in confinement, side by side with the man responsible for his plight.

One of the best known cases in New York criminal records deals with the conviction and the execution of four men connected with the murder of one man, although but one of them was guilty of actual murder. Three were accessories. And since an accessory involved to the extent that the Durham white man was involved is most certainly the prime agent in the crime, he should merit full punishment. Yet, the court cannot go against the verdict of the jury and the law of the State. If we would hang men who arrange for crimes—in this case it seems a justifiable course—we should seek a change in the law to make this remedy possible.

Laurinburg, N. C. Exchange
October 19, 1933

When Colored Kills Colored

A Robeson county Negro has been sentenced to death in the electric chair for murdering his wife, a wanton and brutal killing. Conviction of this Negroe on a first degree murder charge may mean one or two things. It may be indicative of a change of sentiment with respect to law administration in dealing with crimes in which colored people only are involved, or it may be an exceptional case. The Southern states have come in for a round of criticism of late because of a high homicide rate, higher than that of the big cities where machine guns sometimes roar and gangsters have been want to shoot one another with impunity.

The reason for the high homicide rate in the Southern states, it is explained, is the Negro population. The courts have been lenient, or just indifferent, to crimes in which nobody but Negroes are involved. If one Negro kills another the chances are he will get off with light punishment. White people have just looked at it that way. But we are waking up to the fact that this problem has its reflexes. Murder breeds murder and crime is contagious. A high homicide rate among the colored people means that human life, without respect to race or color, is not valued highly. It is a problem that the law and the courts, administered by white people, can no longer look on with indifference or complacency.

Daily Worker
New York

Negro Communist Murdered by Stool Pigeon in Charlotte

Police Fail to Make Arrest; Workers Plan Protest Meetings

CHARLOTTE, N. C., Nov. 10.—Allen Benjamin Charley, Negro Communist leader, active in the struggles of the Negro and white toilers against terror and starvation, was murdered by a Negro stool pigeon, Benny Williams, while riding on a street car a few nights ago. Comrade Charley fell under three shots fired into his body at close quarters. He died an hour later in the hospital.

Benny Williams, who had close connections with the police and with a group of renegades expelled from the Communist Party, is still at large. The police have made no efforts to arrest him.

The white and Negro workers of this city, aroused by the brutal murder of one of their most militant fighters, are planning a series of protest demonstrations to demand the arrest and punishment of the murderer and of those who instigated his bestial act.

Comrade Charley was one of the first workers in this section to join the Communist Party and has been active ever since in the fight against Negro oppression, against starvation and for unemployment relief and social insurance.

Killings-1933

North Carolina

DURHAM, N. C.
HERALD

MAY 31 1933

Letter Box

EQUAL JUSTICE

Editor, Herald:

I have just listened to the verdict in the Hessee-Cooper trial for the diabolical murder of J. N. Lasater. The Negro who fired the shot that killed Lasater was found guilty of murder in the first degree which carried with it electrocution as the punishment. The white man Hessee who hired the assassin Cooper was found guilty of being an accessory before the fact, which carries a life sentence in the penitentiary as punishment.

The verdict is a fact. I am not criticising the jury for bringing in this verdict. I have no doubt that these twelve men were conscientious in their hard and laborious task. I am not critising Judge Walter L. Small who presided so ably and impartially throughout the trial. But I do think that the law of North Carolina is at fault. The distinction between "conspirator" and "accessory before the fact" ought to be clarified or wiped out so that there is no equivocation about the man who hires another to commit murder being equally guilty with the actual killer. Indeed he ought to have the greater punishment. I sincerely hope that the white people of Durham will petition Governor Ehringhaus to commute the death sentence of Theodore Cooper to life imprisonment so that he may not suffer more than W. H. Hessee. If he dies he will be dead such a long time. In five or ten years W. H. Hessee may be paroled or pardoned and be walking the streets of Durham a free man. The burden of what I am trying to say is that the Negro Cooper ought not to be allowed to suffer more than the white man Hessee. The two ought to be joined together in all consideration of this case by the governors of North Carolina in the future. Whatever is ever done for Hessee, ought to be done for Cooper.

Now, Mr. Editor, because everybody in Durham does not know me, let me add the following. I am a white man. I was born in Virginia more than fifty years ago. For nearly fourteen years I have been a citizen of North Carolina. My father was a Confederate soldier. I was reared and educated in the south. I believe in the supremacy of the white race but I believe in justice and a square deal for the Negro. I will gladly sign such a petition to the governor, as I have indicated above.

C. T. THRIFT
Pastor Branson M. E. Church, South

GREENSBORO, N. C.
NEWS

JUN 3 1933

THE WAY OF JUSTICE AGAIN.

Realization that Judge Walter L. Small had no alternative in the sentences which he meted out to Theodore Cooper, negro, and W. H. Hessee, white man, in Durham county Superior court Wednesday does not remove, but rather focuses attention upon, the question mark which termination of the case, growing out of the murder of J. N. Lasater, leaves after the administration of justice.

Cooper, self-confessed killer, was found guilty of first degree murder and sentenced to die in the electric chair, while the white man, convicted of being an accessory before the act, faces life imprisonment for his part in the crime. The jury found that the negro killed Lasater but that he acted at the instigation of Hessee, who had contrived a plot to secure insurance which he held on the slain man's life. Here is a more or less ignorant negro who sold to a white man's money and drew the death penalty therefor. The white man, in turn, in whose brain the murder was conceived, who hoped to reap the profit thereby, who inveigled the negro and upon whom ultimate responsibility obviously rests, gets off with the lighter punishment of life imprisonment which, with influences at work in his behalf and the election of what may be a sympathetic governor, aided and abetted by a forgetting public, may ultimately mean a term of surprising brevity.

Under the law, we are told via the Durham Herald, the court followed the only course open, although it took occasion to excoriate Hessee for having caused "to be taken a human life. You have made a widow and orphans. You have wrecked three or more families." Where the premeditation, the scheming diabolism, the stronger mind behind the murder lay, there can be no doubt. But for it, Cooper, it is reasonable to presume, would never have thought of taking human life. But the rigidity of the law sends him to death row and his instigator, his tempter, to an imprisonment which leaves him his life and the ever-present hope of liberation. Here, apparently, is an opportunity for equalization, for intervention of a fair-minded executive, which will be watched with more than passing interest.

In the panoramic picture of justice, too, the incongruity is accentuated when the case under discussion is placed alongside another recent and widely publicised trial in Durham which terminated with dispatch of the accessory to state's prison and the principal's removal to the great open spaces for the enjoyment of a liberty born of judgment suspended.

Daily
Statesville, N. C.

JUN 2 1933

INJUSTICE THAT IS RANK.

This is a report of proceedings in the Superior court of Durham county:

One man was sentenced to die and another to life imprisonment in connection with the slaying last February of J. N. Lasater.

Theodore Cooper, negro, convicted of the first degree murder of Lasater, was sentenced by Judge Walter L. Small to be electrocuted October 20.

Will H. Hessee, white, charged by the State with offering $200 to Cooper for Lasater's death, was sentenced to life imprisonment. His bail was fixed at $25,000 when his attorneys gave notice of appeal.

The State charged that Hessee hired Cooper to kill Lasater so that Hessee and his wife could benefit under Lasater's insurance policies, which named the couple beneficiaries.

The negro was convicted of killing Lasater and sentenced to death. The white man was convicted of hiring the negro to commit the murder. He gets off with life imprisonment. Presumably it is according to law but it isn't justice. About that there can be no argument. Presumably the white man who influenced the negro to kill was tried as an accessory and punished accordingly. It may have been impossible to try him for the capital felony; on that point we await further information. But it is so plain that there is no place for talk, that the white man is the guiltier of the two. If the life of either is to be saved the negro should be saved and the white man should die the death of a felon. The court denied all motions for a new trial and evidently believed the conviction just. Counsel for the white man gave notice of appeal but expressed doubt that it would be carried up. Knowing their client deserved more than he got they probably have no purpose to risk another trial.

But the rank injustice of the proceeding, no matter whose the fault, should be pressed on the attention of Governor Ehringhaus, and we must believe the governor will not let that negro die while the white man lives. In a noted case Governor Bickett, under pressure, commuted a death sentence to life imprisonment against his judgment. Immediately he commuted the death sentence of a negro on his own motion. He could not, he said, reconcile it to his conscience to save the life of the white while a negro with equal claim on his consideration went to his death. And nobody could dispute the justice of that action. The hired assassin is unworthy of any consideration on his own account. But the circumstances in the Durham case call for the elimination of that discrimination which has resulted from the law or its administration.

DURHAM, N. C.
HERALD

JUN 1 1933

EQUAL JUSTICE

The criminal law of this state being what it is, we have no quarrel with the jurors who rendered the verdict or the judge who imposed sentences in the Hessee-Cooper case just concluded in our superior court. We are satisfied that the jurors were conscientious in their findings and the sentences imposed by the trial judge were prescribed by statute, he having no discretion in the matter.

Just the same we cannot help but feel that the ends of justice demand that Theodore Cooper is entitled to as lenient treatment as that accorded the defendant Hessee. There may be some provision in the law which says that a person who fires the gun that results in the death of another is guilty of first degree murder while the person who hired him to do the shooting is guilty of a lesser crime, accessory before the fact.

We base our position on the findings of the jury, which we thing were justified under the evidence. The jury's verdict says Theodore Cooper, a Negro of little means and none too well acquainted with the ins and outs of the law, killed J. N. Lasater at the instance of W. H. Hessee. Cooper is assigned to the electric chair while the man who instigated the crime and offered to pay for its commission is assigned to life imprisonment. The one is a Negro and the other a white man. The Negro is sentenced to die while the white man is allowed to live.

Perhaps there was no legal way for the jury to avoid the verdict it rendered, and certainly the trial judge had no choice in the punishment inflicted. There is, however, a way to adjust the apparent inequality; and that is for the governor to commute the death sentence imposed upon Cooper to life imprisonment.

We are content to leave the courts to deal with alleged murderers and other law violators and the governor to exercise in such manner as he sees fit his

authority of executive clemency. In taking this position, however, we reserve the right to express our views and in this case we strongly suggest that the Durham people interested in justice and fair play make it their business to shield Cooper from the electric chair.

Of course we do not condone the act of a Negro or white man who goes out and shoots a man just because he is offered a sum of money to do so. Theodore Cooper is guilty, by his own admission, of a terrible crime. He ought to be punished and punished severely. He should receive such punishment as will cause others to abstain from such crime, but we wonder if from the moral standpoint the man who plays the role of instigator and adviser is not deserving of as severe and lasting punishment as the man who actually commits the crime.

RALEIGH, N. C.
NEWS OBSERVER

JUN 3 1933

INJUSTICE.

Durham Messenger.

We do not believe that the spirit of the law ever intended that a man convicted in similar circumstances to Will Hessee should escape the electric chair while an ignorant Negro, obeying his commands and following his instructions, pays the supreme penalty for both.

Will Hessee has been given life sentence; Theodore Cooper has been given death sentence. The trial was according to North Carolina law, and we believe the law has been followed, to the letter. The verdict is according to law, the letter of the law.

But there is a difference between the "letter of the law" and the "spirit of the law." Men often violate one without violating the other.

A man who is mean and vicious enough to hire a murderer to destroy a life certainly is no better than the man who actually does the killing.

If anything, the Negro, Cooper, is more an object of pity than Will Hessee, and we do not believe it in keeping with Southern justice that this ignorant Negro be made to pay the supreme penalty while his co-conspirator be given life sentence—and subject to parole or pardon in later years after the memory of the vicious crime gradually fades from the public mind.

We believe the people of Durham should petition Gov. Ehringhaus to commute Cooper's sentence to life imprisonment, and we believe every impartial white man who heard the trial feels likewise.

A Justly Indignant Judge

OVER at Greensboro, North Carolina, there occurred last week something that amounts to a significant contribution to the current discussion of the administration of justice in Southern States, accentuated by the Alabama jury decision and the Massachusetts judge's decision, both of which are now famous. Judge A. M. Stack, of the Guilford county Superior Court, found it encumbent upon himself to address a jury in language which the following is a part in condensed form:

"Gentlemen of the jury, you have made a very great mistake. Your verdict is an absolute miscarriage of justice. This defendant was clearly guilty of murder in the first degree, and your verdict is totally a miscarriage of justice. The defense set-up was absolutely ridiculous. . . . . I never have been so surprised in all my experience at the bar or on the bench at a verdict of a jury as I am in this case. It looks like the law against capital punishment is enforced, as some one said not long ago, unfairly against the weak, the poor and helpless. . . . . That poor darkey was shot down in his own home, inside of his own door, by a man that was mad at him and armed with a pistol, and yet the jury brings in a verdict of not guilty. . . . . .The enforcement of the criminal law in some instances is a disgrace to the state—a disgrace in that juries render verdicts wholly and entirely contrary to all evidence in the case."

The occasion for that extraordinary deliverance was the acquittal of a white man by a jury, all white, of course, of a charge of killing a colored man, under circumstances which the judge considered murder in the first degree. The bright spot in this drama—or is it tragedy?—is the role played by the judge, who, as usual upholds the best traditions of the bench. The jurist's courageous deliverance speaks for itself, needing no amplification to reveal the shame which he sensed in the violence done the administration of justice.

Judge Stack climaxed his censure of the jury by ordering the court clerk to suggest to the county commissioners that their names be "taken out of the jury box." When a court rebukes a jury in that fashion there is little doubt that there has been a miscarriage of justice.

This incident may take on the nature of an isolated case, but the fact is that such travesties upon justice are frequently perpetrated under a jury system so dramatically and fanatically defended by a large section of Southern public opinion—in fact by the constituted authorities and by leaders in every walk of life. No greater condemnation of the system than that voiced by Judge Stack could have emanated from a source outside of the South. No greater justification for the international concern with the Scottsboro cases could be desired. No higher vindication of the principle involved in Judge Lowell's decision in the Crawford case could be wished. Yet, we have watched the leading newspapers in North Carolina and in Virginia in vain for any forthright disapproval of that Greensboro jury's decision, or any unreserved commendation of Judge Stack's action. But that action is in the record, nevertheless. It is one of a cloud of witnesses that testify to the glaring inequalities in the administration of justice under a jury system supported by a prejudice-blinded public opinion.

Wilmington, N. C. Morning Star
May 7, 1933

IN WHICH A JUDGE IS IRKED

At a moment when Southern justice is more or less under fire as a result of the celebrated Scottsboro case, it is of interest to note an incident in North Carolina and to mark well the words of the presiding jurist, A. M. STACK.

The case in question involved the indictment of a High Point White man for the killing of a Negro, the homicide occurring within the latter's home. After a comparatively brief deliberation, the jury returned a verdict of not guilty, whereupon, Judge STACK said:

"Gentlemen of the Jury, you have made a very great mistake. Your verdict is an absolute miscarriage of justice. This defendant was clearly guilty of murder in the first degree, and your verdict is totally a miscarriage of justice. The defense set-up was absolutely ridiculous, and his contentions about the matter are totally absurd. He got his pistol, armed himself, and went there to kill that man deliberately, and did kill him. He was, therefore, guilty of murder in the first degree. I never have been so surprised in all my experience at the bar or on the bench at a verdict of a jury as I am in this case. It looks like the law against capital punishment is enforced, as some one said not long ago, unfairly against the weak and the poor and helpless.

"Mr. Sheriff, take this defendant in custody and hold him in a bond of $1,000 justifiable, to be approved by the Clerk, to answer a bill for carrying a concealed weapon. Mr. Solicitor, send a bill to the grand jury this afternoon. I will order him in jail until it is further looked into.

"That poor Darkey was shot down in his own home, inside of his own door, by a man that was mad with him and armed with a pistol, and yet the jury brings in a verdict of not guilty. He goes down there and kills him. He claims that we went and got his pistol to kill a cow. That is absolutely absurd. Claiming that he was going to catch a cow in a Ford automobile, it is absurd and ridiculous.

"Mr. Clerk, notify the Board of County Commissioners that the Court suggests that the names of these jurors be taken out of the jury box.

"The enforcement of the criminal law in some instances is a disgrace to the State—a disgrace in that juries render verdicts wholly and entirely contrary to all the evidence in the case."

The righteous indignation of the Court, can of course make no change in the verdict of the jury, and even if the jurors involved are banned from further service, similar incidents will creep into the picture in future trials. It is a matter of education that will be long in coming.

It illustrates however, the differences between the reaction of the trained and impartial magisterial mind and that of the lay DANIEL sitting in judgment. It is a beautiful argument for the Maryland system which permits the waiving of juries even in capital cases.

Killings - 1933

North Carolina

HIGH POINT, N. C.
ENTERPRISE

MAR 28 1933

A TRIBUTE TO OUR COLORED PEOPLE

This community has reason to be justly proud of its colored who last night in the face of the outrageous conduct of a white man in murdering one of their most respected citizens in his own home manifest a sanity and character and courage reflected in a feeling of tragedy rather than any outward manifestation of disorder or retaliation.

The murder of Reuben Ware is a tragedy shocking alike to white and colored. No effort must be spared in bringing the murderer to justice promptly.

There is cause for indignation on the part of both races that any man should go to another's house, accept there an apology even for the defense of his property, and then in cold blood shoot him down. Those appear to be the facts in the present homicide.

There is indignation, of course, on the part of all that murder should be done in such a manner; but there is cause for rejoicing that the colored people are so constituted that they are willing to rely upon the organized forces of the community to see that justice is done, and it is to be hoped that on this base everlasting harmony and accord between the races may be guaranteed.

STUNNED AT MISCARRIAGE OF JUSTICE

Journal and Guide

White Man Acquitted; Had Killed Negro In Cold Blood

5-13-33

EVIDENCE "ABSURD"

Norfolk, Va.

Judge A. M. Stack of Greensboro Speaks His Mind

Special to Journal and Guide

GREENSBORO, N. C. — Juries rendering verdicts "wholly and entirely contrary to all the evidence in the case," makes "the enforcement of the criminal law a disgrace," declared Judge A. M. Stack Friday of last week, after a jury had acquitted John Harris, white, of a charge of murdering a Negro, and had been applauded by the spectators.

Judge Stack, presiding jurist of the Guilford County Superior Court, and highly esteemed both within and without the bar, called the findings of the twelve white jurors "an absolute miscarriage of justice," and went further and suggested to the board of county directors that the names of the men be taken out of the jury box. He also ordered Harris held for carrying a concealed weapon.

Statement Significant

With the retrial on the Scottsboro boys starting with an attack of the Alabama jury system, and with Judge James A. Lowell of Boston arousing Virginia and the South with his criticism of jury practices in Virginia in the extradition case of George Crawford, the indictment of Judge Stack rang out with telling significance.

The man who was found not guilty, was arrested for the fatal shooting on March 27 of Ruben Ware, of High Point. The two men had quarreled over a cow, and Harris testified that Ware had struck him down, cursed him, and crushed his index finger with a stone.

Defendant Tells Story

Harris, after the row, went home, got his gun, and went in his car to Ware's house, and there shot him. The white man said he fired in self-defense; Ware's widow, Mrs. Georgia Ware, said her husband was shot down without provocation, and the judge in exorcising the jury said: "That poor d——was shot down in his home, inside of his door by a man that was mad with him and armed with a pistol. . . . ."

The judge also ridiculed that claim of Harris that he had gone to kill a cow. "He claims that he went to get his pistol to kill a cow," observed Judge Stack, "claiming that he was going to catch a cow in a Ford automobile; it is absurd and ridiculous!"

Judge Stack's denouncement, in full, is as follows:

"Gentlemen of the jury, you have made a very great mistake. Your verdict is an absolute miscarriage of justice. This defendant was clearly guilty of murder in the first degree, and your verdict is totally a miscarriage of justice. The defense set up was absolutely ridiculous, and his contentions about the matter are totally absurd. He got his pistol, armed himself, and went there to kill that man deliberately, and did kill him. He was therefore, guilty of murder in the first degree.

"I never have been so surprised in all my experience at the bar or on the bench, at a verdict of a jury as I am in this case. It looks like the law against capital punishment is enforced, as some one said not long ago, unfairly against the weak and the poor and helpless.

"Mr. Sheriff, take this defendant in custody and hold him in a bond of $1,000 justifiable, to be approved by the clerk, to answer a bill for carrying a concealed weapon. Mr. Solicitor, send a bill to the grand jury this afternoon. I will order him in jail until it is further looked into.

"That poor darkey was shot down in his own home, inside of his own door, by a man that was mad with him and armed with a pistol, and yet the jury brings in a verdict of not guilty. He claims that he went and got his pistol to kill a cow. That is absolutely absurd. Claiming that he was going to catch a cow in a Ford automobile, it is absurd and ridiculous.

"Mr. Clerk, notify the board of county commissioners that the court suggests that the names of these jurors be taken out of the jury box.

"The enforcement of the criminal law in some instances is a disgrace to the state—a disgrace in that juries render verdicts wholly and entirely contrary to all the evidence in the case."

Spectators Criticized

Judge Stack then instructed the sheriff and his deputies that if they could find anybody in the courtroom who had applauded that the court would fine them.

Members of the jury, all white, were: W. E. Pearson, A. C. Paisley, J. W. Gilbreath, J. F. Gray, C. F. Ridge, J. F. Troxler, Jr., A. B. Isley, F. L. Atkinson, A. T. Walker, A. L. Wooters, Claudius Dockery and W. B. Delk.

May 8, 1933

MONDAY, MAY 8, 1933.

UNUSUAL PROCEDURE

A jury of twelve men acquitted a white man of the murder of a negro in Guilford county the other day. In the light of events of the past month wherein Southern justice has been under fire, the worlds of the presiding judge, A. M. Stack are interesting.

Hear Judge Stack:

"Gentlemen of the jury, you have made a very great mistake. Your verdict is an absolute miscarriage of justice. This defendant was clearly guilty of murder in the first degree, and your verdict is totally a miscarriage of justice. The defense set up was absolutely ridiculous, and his contentions about the matter are totally absurd. He got his pistol, armed himself, and went there to kill that man deliberately, and did kill him. He was, therefore, guilty of murder in the first degree. I never have been so surprised in all my experience at the bar or on the bench at a verdict of a jury as I am in this case. It looks like the law against capital punishment is enforced, as some one said not long ago, unfairly against the weak and the poor and helpless.

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"The enforcement of the criminal law in some instances is a disgrace to the state — a disgrace in that juries render verdicts wholly and entirely contrary to all the evidence in the case."

The above statement by Judge Stack to the jury and court, shows clearly the wide divergence of mind and opinion as between the well trained judicial mind and that of the average layman called upon to pass judgment upon a fellow citizen for some wrong committed. It is hardly fair for this paper to pass judgment upon the case, from such a distance, and not having heard the evidence, but at the same time the words of Judge Stack show clearly that he had followed the case through to its ultimate conclusion.

In such a case there is nothing left for the court to do but turn the defendant loose, but at the same time the words of Judge Stack should still be ringing in the ears of an enlightened citizenship and should give hope to the weaker race, the negro, that there is hope that justice will be preserved, at least from the bench.

APR 29 1933

THIS CLIPPING FROM THE
GASTONIA, N. C.
GAZETTE

ADD SOCIETY.

(Greensboro Daily News)

One detail in press accounts of the crowning event of Charlotte's social season, the trial and acquittal of Mrs. Ruth Peterman for the murder of her husband, attracts particular attention. Reference is to this paragraph from The Charlotte Observer's front page play of the event:

The courtroom was packed throughout the day. In the afternoon when the state rested its case and Mrs. Peterman testified, practically every inch of space inside the courtroom was taken. All of the spectators were white, as the gallery was cleared of negroes. An uncommonly large number of women were present. Scores of the spectators were members of Charlotte's "four hundred."

If Charlotte's women, and particularly Charlotte's "four hundred," wished to flock to court in morbid curiosity, crane their necks and strain their ears to catch a bit of scandal or get the lowdown on neighbor's personal and domestic affairs, why shouldn't they be treated as the general run of ordinary court throngers and attaches? Why should the gallery be cleared of negroes in order that morbid whites might be given seats? Negroes usually fare hard enough in courts without reverting to exclusion from their allotted seats in order that groups who generally keep as far away from temples of justice as possible, particularly when they are summoned for jury duty, might be given an opportunity to sit and gape.

DURHAM, N. C.
HERALD

MAY 26 1933

THERE IS A DIFFERENCE

(Charlotte News)

Not disposed to question for a minute that justice has been done in the case of the Negro who killed Motorman Brown, nor even hesitant about proclaiming its belief that those who live by the sword should perish by the sword. The News nevertheless is ornery enough to recall two other murder trials that have been heard in recent days by our North Carolina courts.

One involved a Negro man who, it was charged, had crept in the dead of night to the room of his former paramour, had cracked the door and shot her with fatal result. The defense in that case attempted to show that the murder was committed by some unknown individual, whereupon the jury, reflecting that only a Negro woman of unreliable morals had been killed, brought in a marvelously-conceived verdict of manslaughter. The sentence meted out was 20 years.

The other case concernd a white man on trial for his life by reason of the undeniable fact that he had killed a colored man. The testimony showed that the Negro had been shot down on his own doorstep, and when the jury announced its decision for acquittal the presiding judge could not contain his disgust.

Motorman Brown's tragic death has been in part atoned. Justice has been swift and vengeful, as it should be. Only, why is it not possible for justice to take with at least a show of indignation those capital charges arising when someone, white or black, has killed a Negro?

CHARLOTTE, N. C.
NEWS

MAY 18 1933

They Get Their Men.

A remarkable piece of police persistence and efficiency is the arrest of the Negro youths for the confessed killing of Motorman J. W. Brown. Two months' constant work, with nothing save the shells from a .45-caliber pistol to go on, have produced the murderers, one of whom was already in the toils of the law upon a less serious offense.

There can be no doubt that murder may not be committed safely in this town so far as the police department is concerned. Of course the courts occasionally fail to carry out their part but the department almost invariably succeeds in bringing the guilty to the bar.

CHARLOTTE, N. C.
NEWS

MAY 23 1933

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CONCORD, N. C.
TRIBUNE

JUN 3 1933

TWO MEN ARE SENTENCED.

Raleigh News and Observer.

The courthouse in Durham county, dedicated to justice, has in recent weeks been the scene of two judicial dramas which add no honor to the reputation of North Carolina for even-handedness in criminal justice.

It was only a few weeks ago that Judge Barnhill by his sentence set free a doctor there who was guilty of performing a criminal operation upon a young woman which caused her death, while the woman who had assisted the doctor was given a long term in prison.

Now comes Judge Walter L. Small to deal out justice in the same courthouse. It is true that in the present case Judge Small may have been bound by the verdicts in the trial of two men for the death of another as Judge Barnhill was not in the earlier case. But in his remarks to the men as he sentenced them, Judge Small gave no indication that he felt that in his court justice was being made a mockery under the forms of law.

For a peculiarly atrocious murder two men came before him for sentence.

One of the two sentenced men is white. He is a merchant. He and his wife held an insurance policy for $11,000 on the man who was killed. To collect this $11,000 he wanted the man killed so he hired—

The other man, a Negro. The white man promised to pay the Negro $200 if he would kill for him. The Negro accepted the proposal and carried it out.

The Negro was sentenced to death.

The white man was sentenced to life in prison.

If the death sentence is ever justified it was in the case of the Negro who with cold-bloodedness, devoid of personal malice, killed for a price. If men should be electrocuted he should be. But it is hard to see any justice in the execution of this Negro while the man principally responsible for the murder who originally wished it and orginally planned it is allowed to live. For every act save the dealing of the death blow he was the killer. Lacking the courage to kill himself, he hired an ignorant and poor Negro. He bought that Negro's services in murder for $200 and with $200 incited him to the crime. With $200 he bought from North Carolina justice his own life and secured under North Carolina justice a substitute.

All this was disclosed under the eyes of Judge Small, but so far as the record goes that jurist indicated no repugnance or distaste in pronouncing the sentence of death for the Negro and life for the white man.

This may be law but under no circumstances could it ever be termed justice.

Killings-1933

Ohio

OHIO GOVERNOR WON'T BELIEVE WHITE WOMAN'S STORY, SO TWO BOYS DIE IN ELECTRIC CHAIR

Murphy Brothers Reiterate Innocence to End—Go to Death Bravely—Daily Papers Score Attitude of State.

COLUMBUS, O., Aug. 24—In the last few moments of his life Joseph "Buddy" Murphy, 18, made an eloquent plea for justice.

He and his brother, James, 24, of Cincinnati, were electrocuted at the Ohio penitentiary Monday night for the murder of a bank cashier. Joseph talked for five minutes to thirty men who had come to see him die. Holding a silver cross at arm's length before him, he protested his innocece and asked for justice . . . while outside the door of the death chamber two hearses waited, their doors open.

"Let us not make scarecrows of the laws—to scare away birds of prey," Murphy said. "Authority should be felt, not seen. The fallability of mankind is too well known to deviate the State from calmly and coldly taking human life. I hope I may be the last to share such a repugnant fate."

Joseph was strapped into the death chair, and as the black mask lowered over his face he finished a prayer, led by a priest. At 8:50 p. m. he was pronounced dead by Dr. George W. Keil, prison phy-

(Continued on Page Four)
(Continued from Page One)

sician.

Two minutes later, as soon as Joseph's body was unstrapped and carried outside, James Murphy came into the death room.

"I am honestly innocent. You're hurting my mother, not me," he said, addressing a Cincinnati reporter.

At 9 p. m. Dr. Keil said James Murphy was dead.

All was not calm in the minds of hundreds of citizens, who believed that something should have been done to investigate the statement of Mrs. Mildred Bonnie, white, who appeared before the Ohio Parole Board and declared the brothers were not the gunmen who shot down Harry Friedhoff, cashier, during a robbery at the Silverton Bank, October 8th last. Although at the trial eye-witnesses identified the youths, Mrs. Bonnie says she did not tell all she knew because at the time of the robbery she was with a married man. Her testimony resulted in a 30-day stay of execution, but Governor White decided against executive clemency.

Carlton K. Watson, author of "In These Times," declared that "we let these boys die without raising a single question about the judgment which dealt them death at the hands of the State. Mrs. Bonnie may have been wrong; the jury, Governor White and the Parole Board may have been right. But we can't prove it, and not a finger did we raise to make State officials prove to the people of Ohio that the Murphy brothers should die."

But the Murphy brothers are gone . . . and no one can give their lives back to them. Yet that eloquent plea for justice in the death chamber may find root in the hearts of the thirty men who came to see them die.

Killings-1933.

Oregon.
6

INTERNATIONAL LABOR DEFENSE PLANS INTENSIFIED CAMPAIGN

Advocate 1-11-33

PETITIONS FOR RE-HEARING TO BE FILED, TO APPEAL TO GOVERNOR FOR ASSISTANCE

(Special to the Advocate by Dawn Prelace)

Portland

Portland, Oregon, Nov. 11—By a decision of five to two, the Oregon Supreme Court upheld the conviction of Theodore Jordan, young Negro sentenced to death in Klamath Falls last year for the murder of a white Southern Pacific steward, according to word received Wednesday.

Justices Rossman and Kelley were the dissenting opinions. The Jordan case has aroused much public interest, particularly since the International Labor Defence undertook a campaign to save the alleged murderer on the grounds that Jordan's confessions, which formed much of the evidence at his original trial, were obtained by third-degree methods and that in other hespects his trial was unfair.

International Labor Defence attorneys stated that a petition for a rehearing will be made at once. Irvin Goodman, Portland lawyer noted for his defense of working-class cases, stated when the decision was made known, "Of course we are more than disappointed at the decision, but that is far from meaning that we are in any way discouraged. It simply means a harder fight than ever."

The Internation Labor Defense went into committee meeting as soon as the word was received. A campaign of broad protest has been laid out, along the lines of the Scottsboro campaign. Three committees have been established to conduct the work which promises to involve wide public sentiment in behalf of the condemned Negro. Special arrangements are being made for presenting the issue before the special sssion of the State Legislature this month, and a petition will be circulated throughout the state calling on the Governor to exert his influence in saving Jordan's life. A group of Portland people, including Irvin Goodman, as well as others from outside the State who are interested in the campaign called on Jordan Wednesday evening to offer assurance that the fight in his behalf will continue.

William Sidney, young organizer of the International Labor Defense in Oregon, issued a statement, declaring that the campaign in the case will be broadened and intensified, and urging organizations and individuals to lend their support by wiring and sending encouragement to Jordan and protests to the Governor.

"Jordan has said, himself, that it is not so much his own life that is at stake, but the welfare of the entire Negro race in America," Sidney stated. "That is the reason for the mass campaign technique. There have been thirty-five illegal lynchings of Negroes in this country since the first of the year, and the Jordan case has all the factors of illegality, except the masks. There never has been any question as to the third-degree methods used in extorting confessions; in the prejudice of the court which originally tried and sentenced him, and in the frame-up nature of his conviction. From the stand-point of the International Labor Defense—which is the stand-point Jordan himself wholeheartedly endorses—Jordan belongs to, first the American working class, second to the Negro race. Iit is up to us to save him, and I can say, with confidence, in behalf of the ILD that we are going to save him."

Attorneys Solomen and Levinson, associated with Irvin Goodman in handling the legal phases of the appeal to the Oregon Supreme Court, both made it clear that they will continue to lend their aid in carrying forward the fight.

The International Labor Defense asked that the following appeal be made: Anyone desiring information on the Jordan case and desiring to assist in the campaign should get in touch with the International Labor Defense, 501 Mackay Building, Portland.

Chattanooga, Tenn. News
December 2, 1933

More Meddling

AN obscure Negro, Theodore Jordan, has just been condemned to death by the court of last resort in Oregon, where there is only slight prejudice against Negroes, but much prejudice against Communists. This is another case, similar to the Scottsboro case, where the International Labor Defense intruded itself into the defense. The National Association for the Advancement of Colored People had taken up the case, with prospects of building up a good defense for the accused.

Jordan was accused of murder under circumstances which looked suspicious to the N. A. A. C. P. The Portland branch of that organization immediately got on the case, and the national office was aiding. But at that time the I. L. D. was "feeling its oats" after having successfully fooled the Scottsboro defendants into dropping the N. A. A. C. P. and putting themselves at the mercy of the I. L. D. This "Jordan case" apparently looked like another good soap box subject, so the I. L. D. agitators went out to the State prison in Oragon and persuaded Jordan to give them his case. The N. A. A. C. P. pleaded with Jordan not to do this. Walter White, of the N. A. A. C. P. wrote Jordan a most friendly warning urging him to reconsider the matter and allow the Association to continue his defense. The I. L. D. agitators dictated for Jordan a bombastic letter, which he signed at their request, telling the N. A. A. C. P. to get out of the case and let his business alone, that he wanted the I. L. D.

"You see," says a leader of the N. A. A. C. P. in explanation. "Our Oregon representatives who went to see Jordan were colored leaders, and when these Communists 'white gentlemen' came and told him to follow after them, like so many Negroes, he fell. And now he is going to die for it, as did Euel Lee, in Maryland, and two eviction rioters in Chicago, and two in Cleveland, and the "Camp Hill" farmers and the probably innocent victims of the Tuscaloosa lynchings. Also the Scottsboro defendants are really in greater danger today, two years after, than they were when the I. L. D. persuaded the ignorant boys and their relatives to sign a telegram dismissing Darrow and Hayes and the N. A. A. C. P. from their case."

It is time this Communist organization ceased meddling in the "Negro problem," on which subject it has a colossal ignorance.

Condemned Negro Appeals to Workers

Daily Worker

Jordan Denounces Boss Justice

11-14-33

SALEM, Ore., Nov. 13.—A call to all workers, and especially to members of the National Association for the Advancement of Colored People, to rally to his defense, was issued last Friday from Oregon State Penitentiary by Theodore Jordan, Negro worker framed and sentenced to die on a charge of murder.

New York

"Today the Oregon Supreme Court, by a vote of five judges for and one against, condemns me to death by hanging," Jordan said. "This decision, despite the fact that I was convicted on a forced confession, is proof of the fact that a Negro worker cannot expect or receive anything but capitalist justice in courts from which Negroes and workers are systematically excluded from juries.

"In the South, in Scottsboro, Alabama, the nine young innocent Negro Scottsboro boys face the electric chair on framed up charges, while here in the west, in Oregon, I have been sentenced to hang on framed-up charges.

"The defense conducted for me by the International Labor Defense, both in its legal and mass aspect, has my whole-hearted endorsement and support. Now that nearly every legal step has been exhausted, it is more than ever before the task of every worker opposed to this legal murder of an innocent member of the working class, of an oppressed nationality, to join the movement for my defense.

"The time is short. In the few brief days before the hangmen of Oregon place their noose around my neck and snuff out my life, I call upon every worker to raise his or her voice in protest, to raise their hands in protection. I call upon every worker, individually and in their organizations of every character, and particularly the members of the National Association for the Advancement of Colored People, to rally to my defense."

(The national and local leadership of the N. A. A. C. P. repudiated Jordan and turned bitterly against him when he would not agree to refuse the help of the International Labor Defense).

"This fight is a part of the larger struggle for the liberation of the oppressed Negro people," Jordan's appeal concludes, "for the freedom of the oppressed working-class. No matter what happens to me, Theodore Jordan, this struggle will, it must, go on. Let the struggle for the life of Theodore Jordan be a powerful link in this chain! A link which will help break the fetters!

"Theodore Jordan."

Portland Workers Defend Negro Lad

500 Pledge Fight to Save Jordan

Daily Worker

PORTLAND, Ore. Dec. 27--Five hundred workers packed the Library Forum last night in a protest meeting against the lynch death sentence against Theodore Jordan, 28-year-old Negro worker, framed up by the Pacific Railway Company for the murder of a white steward of that railway.

12-28-33

The meeting, which was addressed by Belle Taub of the International Labor Defense, adopted a resolution condemning the frame-up and demanding the unconditional release of Jordan. The resolution was adopted despite a vicious attack on Jordan's defense by Donald Swettland, local Socialist leader. Workers, indignant at the attack, threatened to throw Swettland out of the hall and were only restrained by the pleas of the chairman.

* * *

Scottsboro Conference In January

CLEVELAND, Dec. 26.--A call for a Scottsboro anti-lynching conference, to be held in the latter part of January, was issued last night by the Provisional Committee of the Anti-Lynching Conference at its regular meeting.

This is the first conference of its kind to be held in this city, and will express the growing indignation of the white and Negro workers against the rising lynch terror throughout the country.

CONFERENCE CALLED AT PUBLIC LIBRARY

The Advocate

12-2-33

Portland, Oregon

Portland, Oregon, Dec. 1—An initial step toward arousing popular opinion against the carrying out o the death sentence of Theodore Jordan was taken Saturday, November 25th, when the "Save Theodore Jordan" conference met in the Public Library Hall at 1 P. M. The conference was called under the arrangements of the International Labor Defense as part of the protest against the Oregon Supreme Court's decision, up-holding the conviction and death sentence of Jordan.

Organizations responding to the appeal sent out by the International Labor Defense, have adopted protest resolutions, urging that the petition for re-hearing be granted. According to Irvin Goodman, I.L.D. Attorney, the time for filing the petition for a re-hearing by the State Supreme Court has been extended to December 15. Various groups hav registered protests with the State Supreme Court, including the Council for Social Economic Research, composed of local professional men, and the Multnomah Federation of Unemployed, which endorsed the Jordan conference, and adopted a resolution to the Supreme Court.

Jordan, 28 year-old Negro, was arrested in 1932 and charged with the murder of T. F. Sullivan, railroad steward at Klamath Falls. He was tried, convicted and sentenced by the Circuit Court of Klamath County. Evidence of third-degree methods of obtaining "confessions", seven of which Jordan signed, and one of which was used to substantiate the circumstantial evidence in the case is arousing much public interest as the facts become known. The majority opinion of the Oregon Supreme Court, as written by Justice Bean, even while sustaining the conviction and sentence as handed dow by the lower Court, goes so far as to state "We do ot command the proceedure in the present case."

The mapority opinion also comments on the "peculiar circumstances" in that the "same officers that obtained confessions in the present case" were instrumental in obtaining two previous convictions for which Jordan served sentences. One of these officers is W. G. Chandler, Southern Pacific detective, who, it is known, had sworn to "get" Jordan.

The Advocate

12-2-33

Portland, Oregon

A growing number of professional men and influential leaders of public opinion are accepting the challenge for a fight in Jordan's behalf since the adverse decision of the higher Court has become known. Dr. Virgil MacMickle, who spoke at a recent mass meeting in Jordan behalf, made the following statement: "Jordan has, I am convinced from a careful study of the history of the case and the transcript of the evidence, been the victim of an unfair trial. Or is it a fair trial when a man, arested on suspicion by a railroad officer who hates him and has sworn to "get" him is convicted on one of seven "confessions" secured by third-degree methods, to escape the torture of which he would have signed seventy confessions; when the prosecution is permitted to drag into the evidence all sorts of irrelevancies calculated to prejudice the jury against the prisoner, and when, worst of all, the prosecution is permitted to inflame the jury with race hatred because the defendent happens to be a defenceless colored man?"

Rev. Ross W. Anderson, president of the Multnomah County Federation of Unemployed and pastor of Lincoln Church, Portland, expressed a growing sentiment against the methods used in convicting and sentencing Jordan, with the following. "The case of Theodore Jordan seems to be another of those cases where officers, in desperation to fix guilt upon some one in order to save thier own faces, have succeeded in having a man sentenced to hang, concerning whose guilt there is reasonable doubt. Theodore Jordan ought not to die so long ast here is reason to hold that he has not had full benefit of a fair and impartial trial. That is his human and American right."

Killings- 1933

Pennsylvania

SHERIFF TAKES NO ACTION IN SERIOUS CASE

Chicago Defender
7-26-33
Chicago, Illinois

Chain Gang Crew Put Body in Hole

WARRENTON, Pa., Aug. 25. —Mrs. Ethel Darden was made a widow and her nine children, one of them 8 weeks old, were made fatherless recently when a white man, said to be Lovett Cockwell, shot and killed Watson Darden in cold blood following a minor quarrel over farming.

After slaying Darden, Cockwell is said to have reported the matter to the sheriff, who never quit smoking his pipe, ordered neither inquest nor investigation, but suggested that Cockwell bury his victim. The slain man, witnesses said, was tossed in a hole by members of the chain gang.

It was learned that trouble started over the plowing of a peanut field. Cockwell and Darden argued, with the former swearing and cursing Darden and threatening to kill him.

Tells Wife He's Going

Trying not to have serious trouble, Darden told Cockwell he could have the farm and left for his house, where he told his wife he couldn't get along with Darden and was going to leave.

Cockwell followed Darden home and watched him leave the house. Seeing the farmer intended to quit, Cockwell armed himself with a Winchester rifle and pursued Darden in his car.

In a little valley on a bridge about 600 feet from Darden's house he was overtaken by Cockwell, who jumped out of his car, wiped tobacco juice from his mouth and opened fire three times.

Darden, helpless and defenseless, not even carrying a pocket knife, crumpled to the ground and died instantly.

A secret conference was held between the sheriff and Cockwell and nothing was ever done about the slaying.

Certain interests here have communicated with Atlanta in the hope of obtaining the aid of Governor Talmadge, who will be asked to demand a grand jury investigation.

Killings-1933

South Carolina

Woman Is Killed; Negro Is Accused

Telegraph 1-3-33 Macon Ga.

YORK, S. C., Jan. 2. (AP)—Miss Zula Stephenson, about 52, was found beaten to death late Monday in her home four miles from here. Will Sanders, a Negro of the neighborhood, was arrested as a suspect and taken to the state penitentiary at Columbia as a precaution against possible mob violence.

The woman's body, badly battered and with the clothing torn, was found by Mrs. Wilborn Wallace, a neighbor. An axe-handle, and a bloody bludgeon were at the scene.

Miss Stephenson was alone in the house when her assailant found her. She made her home with Elmer Stephenson, her unmarried brother, who was away at the time.

HOLD WHITE MAN IN S. C. GIRL'S DEATH

Courier 1-14-33 Pittsburgh Pa.

AIKEN, S. C., Jan. 12.—(ANP)—The coroner's jury held John "Horse" Hutchinson, white, for murder in the first degree in connection with the death of Miss Bertha May Williams, who is alleged to have been shot to death in the white man's home here Friday evening.

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BEATEN TO DEATH

Journal and Guide 2-25-33 Norfolk Va.

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Charleston S. C. Evening Post
Thursday, March 2, 1933

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"Color Line" Decides In N. C. Inquests

Courier 6-3-33 Pittsburgh, Pa.

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The same jury considering the killing of Young held Shell responsible and ordered him to the county jail without bail.

NEGROES ARE SOUGHT AFTER SLAYING GIRL

Escort, Shot in Abdomen, Reports Attack to Spartanburg Police.

Constitution 5-30-33 Atlanta Ga.

SPARTANBURG, S. C., May 29. (AP)—Miss Thelma Martin was killed and Madison Stone, her escort, was seriously wounded today by two negroes who attacked them as they were parked in a country lane on the Greenville highway about eight miles from here.

Stone said the two negro men passed his car a short time before the attack and then returned, one of them with a gun. He said they forced him and the girl to leave the car and enter the woods, where they ordered him to undress. As he was doing so, he said, one of the negroes shot him through the abdomen, and the two then beat him on the head with sticks.

He said he lost consciousness, but believed he regained it within 15 minutes, to find himself buried beneath dirt and leaves as though he had been left for dead. The girl was not in sight.

Making his way back to his car, Stone drove down the highway and met a farmer who brought him to town, where he reported the attack and went to a hospital. Attaches there were not optimistic regarding his chances for recovery.

Officers immediately hurried to the sport and found the girl's body in a clump of bushes, and soon hundreds had joined the man hunt.

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Bishopville, S. C., Messenger
January 11, 1934

TWO CASES

This paper has not expressed itself editorially on the brutal murder of Hubbard H. Harris, Jr., of Columbia. Neither is this an editorial deliverance on the subject, but inasmuch as the case we are about to discuss is somewhat similar, with its aftermath added, and inasmuch as the case has been mentioned in the article, we refer to it.

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Killings-1933

South Carolina

Woman Is Killed; Negro Is Accused

YORK, S. C., Jan. 2. (AP)—Miss Zula Stephenson, about 52, was found beaten to death late Monday in her home four miles from here. Will Sanders, a Negro of the neighborhood, was arrested as a suspect and taken to the state penitentiary at Columbia as a precaution against possible mob violence.

The woman's body, badly battered and with the clothing torn, was found by Mrs. Wilborn Wallace, a neighbor. An axe-handle and a bloody bludgeon were at the scene.

Miss Stephenson was alone in the house when her assailant found her. She made her home with Elmer Stephenson, her unmarried brother, who was away at the time.

HOLD WHITE MAN IN S. C. GIRL'S DEATH

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The governor offered a reward of $200 for information leading to the arrest and conviction of the murderer and then, when the murderer was found and convicted, changed the sentence, which finally freed him from the toils of the law.

Now, what will happen in the Harris case? Will history, to some extent, repeat itself? The cases are similar in some respects thus affording us room for saying history has, so far, repeated itself. Will Wiles ever fully pay the penalty for his crime? Will the law be appeased in the case?

More than likely the killer will be tried and convicted. What will the sentence be? Will he get a new trial or trials? Will he receive favors at the hands of the governor? These are questions we are making no effort to answer. They are questions we ask no one to answer. The courts will answer. The governor will answer.

While awaiting the second trial officers of the law thwarted an attempt to lynch the prisoners in

the Jackson case. What will happen in the Harris case?

May justice be done in the Harris case where it failed to be done in the Jackson case. Justice meted out is the only safety of our boys and girls.

BUFFALO, N. Y.
COURIER EXPRESS

OCT 11 1935

SOUTH CAROLINA SCANDAL

Stone walls apparently do not a prison make in the town of Ninety-Six, South Carolina, where a Negro prisoner, confined in connection with a cafe brawl, was removed from jail and beaten to death with automobile top tubes.

One of the four textile workers held by the local coroner's jury for murder claims that the withdrawal of the prisoner had been made possible by the connivance of the police chief, to whom they had first been referred by the jailor when they asked for the surrender of the prisoner. From the explanation offered, it would appear that the door of the Negro's cell had been obligingly left unlocked to suit the marauders' purpose after dark; a story which the police chief wholly denies.

It is conceivable that the four men held in the killing are only too ready to pin the blame of the affair on the police chief, where it may or may not materially belong. In any event, one is inclined to wonder what kind of official supervision of a jail makes such a shocking delivery possible. If four men can get a prisoner out of jail apparently as easily as they might get their personal property out of a safety deposit box, the long arm of the law in Georgia would seem to be affected with something like official paralysis.

It might be interesting to hear unfolded by the police chief some account of a gallant but hopeless resistance against the intruders; but the recurrent evidences of lynch law emanating from the South lend ground for conviction in this instance that something is rotten with justice for Negroes in the state of South Carolina.

Killings - 1933

Tennessee

Man Who Could Tell Negroes by Smell Now Held in Murder

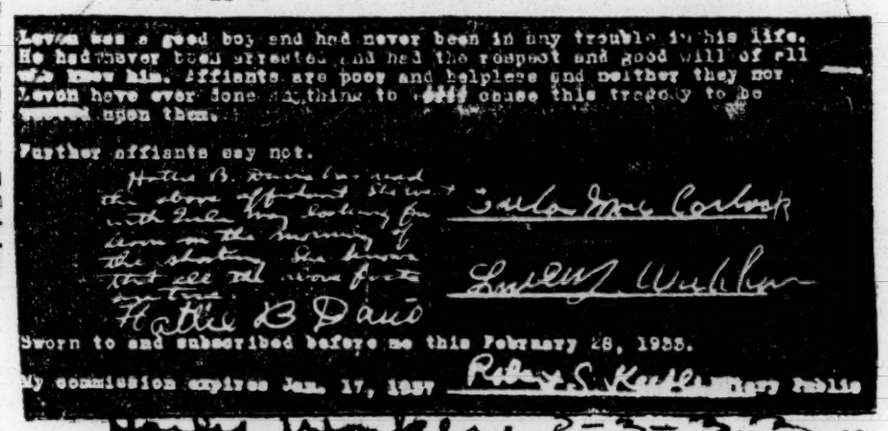
KNOXVILLE, Tenn.—(ANP).—H. L. Pendelton, white, who charged that two Negroes from whom he could be distinguished by their odor had murdered his uncle, Lloyd Alley, was arrested in Baltimore, Tuesday as an accomplice in the slaying which was confessed to by white men, Cecil Coon and Elgie Smith.

July 30, 1932. Alley was held up and murdered. Pendelton was with him, and fled. He swore in court that the two highwaymen were Negroes. Asked how he was able to determine the racial identity of the men in the dark, Pendelton promptly replied: "By their smell!"

Pendelton's story was doubted. Search resulted in the arrest of Smith and Coon, both of whom confessed that they had murdered Alley and swore that Pendelton had offered them $400.

Coroner Whitewashes Cops' Murder of Carlock, Young Memphis Negro; Labor Defense Demands Death to Lynchers

"Levon Carlock Must Be the Last!"



Levon was a good boy and had never been in any trouble in his life. He had never been arrested and had the respect and good will of all who knew him. Affiants are poor and helpless and neither they nor Levon have ever done anything to cause this tragedy to be visited upon them.

Further affiants say not.

Hattie B. Davis

Eula Mae Carlock

Ludley Walker

Sworn to and subscribed before me this February 28, 1933.

My commission expires Jan. 17, 1937 Robert S. Keebler Notary Public

That is the determination of Mrs. Eula May Carlock, 16-year old widow of the Negro lad murdered by the Memphis cops. Above are signatures on affidavit authorizing the International Labor Defense to proceed with the case.

Negro Reformists Are Silent; Toilers Build Action Committees

MEMPHIS, Tenn., March 2.—Complete whitewash of the six Memphis policemen who murdered Levon Carlock, nineteen year old Negro worker here, was the outcome of a secretly railroaded ten-minute coroner's inquest on Tuesday, Feb. 28. In sharp contrast to the coroner's whitewash of the police thugs is the sentence of 25 years handed out to Verda Joy, 19-year-old Negro youth, last Thursday on an unsupported charge of "rape."

Rushed Through "Hearing."

Completely unannounced and with the obvious effort to exclude anyone interested in seeing the murderers punished, Coroner Charles Miller rushed through his hearing with only Ruby Morris, the prostitute, who was said to have made the "attack" accusation, several of the murderers themselves and another woman who had seen no part of the alleged attack or the murder of Carlock, as witnesses. The verdict returned in this brazen whitewash of the hardened, criminal democratic political machine of Memphis was "justifiable homicide" on the grounds that Levon Carlock was "attempting to escape arrest."

Clearly Murdered.

The wounds in Carlock's body clearly indicate that bullets had entered from the front and from the side and top of the head, from angles which would have been impossible if the youth had been fleeing.

Robert S. Keebler, prominent Memphis attorney already retained by the International Labor Defense as advisory counsel, characterized the coroner's verdict as farcical.

Mrs. Eula May Carlock, 16-year-old widow of the slain lad, was not called to appear at the coroner's inquest, although she had told Coroner James Miller on the day before that her husband had been home all night when the attack was supposed to have been taking place, and told him of other witnesses to this fact. Miller called none of these.

Build United Front.

Negro and white workers are aroused over the brutal murder of Carlock, part of a widespread police terror against the workers, and particularly the Negroes.

Neighborhood Carlock Committees of Action have already been set up. Additional thousands of Memphis Negro and white workers are being mobilized to put up an organized resistance to the police brutality and lynching which is a common practice of the Memphis police. The International Labor Defense has already taken charge of the legal and mass prosecution of the case under the slogans: LEVON CARLOCK MUST BE THE LAST! and DEATH PENALTY FOR THE UNIFORMED LYNCHERS!

A proposal for a united front Levon Carlock Committee of Action with all who wish to enter the fight on this issue, has been made to many prominent Negroes and whites in Memphis, and the formation of the committee is under way.

Reformist Leaders Silent.

Daisy Lampkin, representative of the national office of the N.A.A.C.P., who is now in Memphis organizing a membership drive for a thousand new members and a thousand dollars, has remained silent on the entire question of putting up a struggle on this burning issue. Many local N.A.A.C.P. members have declared that they will surely participate, despite the attitude of the N.A.A.C.P. leaders. ....

..Carlock's young widow has made an affidavit of authorization for the I. L. D. to conduct an investigation and institute proceedings against the police murderers of her husband. ...

Killings - 1933

Tennessee

Memphis, Tenn. Comm'cial
June 10, 1933

Quick and Certain Justice

The conviction and sentencing to death of John Deal, negro houseboy, for the brutal murder of Mrs. H. I. Summerfield complete the best day's work done in a long time towards removing from Memphis the stigma of being "the murder capital of the world." Mrs. Summerfield was choked to death and thrown into a bathtub overflowing with water in the boarding house where Deal was employed.

With admirable speed and celerity the police wound a net of evidence around Deal and then secured his confession that he murdered the estimable lady to rob her of a belt of money she was supposed to carry on her person. The attorney general's office has acted with equal celerity and certainty. The result is that the self-confessed slayer now faces the electric chair.

If there be any preventive virtue in punitive measures against crime, and we believe there is, despite the continuation of criminal acts, a large part of this virtue is inherent in the fact that such punishment is both swift and certain. Great Britain has so few murders, comparatively speaking, because convicted murderers are punished with certainty and celerity. If Memphis keeps up the record established in this Deal case the result must be salutary in the reduction of the city's murder record.

2 NEGROES SENTENCED IN DOUBLE SLAYING

Chattanooga

LEBANON, Tenn., Sept. 2.—(AP
Directed by the judge not to consider first-degree murder charges; a circuit court jury today imposed sentences of 12 and 2 years, respectively, on Charles and Jake Alexander, negroes for the slaying of two peace officers last year. 9-2-33

The negroes, who won a second trial when the state supreme court set aside life sentences imposed at the first, were marched into the court room between rows of national guardsmen to hear the verdict. Spectators were not admitted, and the defendants were rushed to Nashville immediately after the decision.

Charles Alexander was found guilty of second degree murder on a charge of killing Ben Northern. Jake was found guilty of involuntary manslaughter for the slaying of Millard Brown.

After directing a not guilty verdict for a third negro, George Benton Oldham, Judge L. D. Miller told the jury yesterday not to consider first degree murder charges against the other two.

Oldham was sentenced to serve 25 years at the first trial.

ACCESSORY TO KILLING DEPUTY GIVEN 99 YEARS

Thomas Harlan, Negro, Pleads Guilty of First-Degree Murder. Darden on Trial.

Entering a plea of guilty Tuesday to first degree murder, Thomas Harlan, Negro accessory in the slaying of Deputy Sheriff John (Slabber) Jones and the wounding of City Detective Frank Burns, was sentenced to serve ninety-nine years in the state penitentiary by Criminal Court Judge Charles Lusk.

The guilty plea was agreed to by Judge Lusk, Atty.-Gen. John J. Lively and Defense Attorney Tom Fletcher and approved by the jury, which immediately thereafter started hearing the case of Willie Darden, Negro and alleged principal in the slaying of Deputy Jones. Attorneys R. C. Melton and Will Trout represent Darden.

Gen. Lively, aided in the prosecution by Assistant Attorneys-Generals John J. Lively, Jr., and Fred Ballard and former Assistant Attorney-General Nick Givens, will demand the death penalty for Darden. He polled each member of the jury panel as to their views on capital punishment before selecting them for duty. Several members of the panel were excused because they had formed opinions as to Darden's guilt from reading accounts of the killing and shooting.

Detective Burns sat at the table with the prosecutors while the jury was being obtained. He has fully recovered from his wounds and will be the chief witness for the prosecution.

Deputy Jones was slain late in July while responding to the plea of a young Negro whom they met running from the vicinity of the railroad tracks near Market street. He told the deputy that he had been assaulted by two Negroes who attempted to rob him. The deputy was shot by Darden as he grappled with Harlan. Detective Burns was wounded as he drove up to the scene of the trouble by Darden, it is alleged.

Harlan is a lean mulatto, 23 years old. Darden is short, black and stout and appears to be about 19 years old.

Mr. Givens has been employed by Sheriff John K. Tate to aid in the prosecution.

PEACEMAKER IS SHOT BY HIS NEGRO TENANT

Appeal

Assailant Captured After Six-Hour Chase

Memphis Comm.

Because he interfered in a "family fight" between a negro tenant and his wife, H. B. Watkins, Bolton College farmer, was shot and seriously wounded by the negro, Will Smith, yesterday.

The negro fled, but after a six-hour pursuit over northern Shelby County and parts of Tipton County, Deputy Sheriffs John Friddle and W. C. Cox caught Smith on the Shelby County line, about three and a half miles northeast of Barretsville. 11-18-33.

Shortly after 7 o'clock yesterday morning Mr. Watkins, who lives on the Arlington-Millington Road, two miles east of Bolton College, found the negro and the negro's wife in their house, scuffling over a shotgun.

Mr. Watkins took the gun away from them and left after quieting them, he told deputies. He did not take the gun.

After he had gone about 200 yards he turned to see Smith fire the gun. The charge struck Mr. Watkins in the left elbow and left side. Watkins ran and the negro fired again, striking Watkins in the back.

Mr. Watkins is under the care of a physician at his home.

The negro is held in county jail under a charge of assault to murder. He confessed, officers said.

Killings-1933

MEMPHIS COPS KILL PRISONER

3-10-33

Prisoner Is Beaten to Death by Dicks

MEMPHIS, Tenn., March 9.—Pressure of the International Labor Defense campaign against the murder of Levon Carlock, young Negro, by six Memphis police officers, has forced Police Commissioner Cliff Davis, Mayor Overton and other city officials to the point of ridiculous squirmings in their attempts to evade the spotlight being placed upon their killings of Carlock and now of Lloyd Lowe.

After Lloyd Lowe, 30, white, arrested as a "suspect" of robbery, died at the General Hospital yesterday afternoon five hours after he had been taken there unconscious directly from grilling by two police detectives, William Raney and Floyd Wiebenga, City doctors claim he died of "brain hemorrhage," although they admit abrasions on his body and a deep cut on the right side of his upper lip.

A Crude Lie.

"He fell against a radiator," is the story the police give out, trying to convince the thoroughly aroused population that this latest third degree victim had planned to throw an epileptic fit.

Long and intricate explanations following frantic conferences have been attempted as a result of the charges brought by the I. L. D. and

In Memphis or in Washington bosses' police act in the interests of the ruling capitalists. Photo shows worker with a baby in his arms about to be clubbed by one of Roosevelt's cops in the capital.

the flood of protest telegrams and resolutions which continue to pour into the Mayor's and Police Commissioner's sanctums, from workers throughout the country, as a part of the tremendous mass offensive being mobilized to stop lynchings in Memphis, under the slogan, "Levon Carlock must be the last."

Young Widow Militant.

"I'll speak. I'd speak till I'd drop if it could help the struggle," Eula May Carlock said, looking into the tiny fire which warms the room where she lived with her young husband Levon, before that Saturday night which was "lynch night" for six Memphis policemen.

She spoke to representatives of the International Labor Defense about the development of the fight in which the I. L. D. is demanding the death penalty for the uniformed lynchers.

DEMAND TRIAL OF COPS IN MURDER

Courier 3-11-33

By STAFF CORRESPONDENT

MEMPHIS, Tenn., Mar. 9—His neck apparently broken by a beating from six white policemen, Levon Carlock, 19, was shot to death as he lay on the ground, an eye-witness to the brutal killing charged early last Saturday morning.

Miss Fanny Henderson, colored, swore she witnessed the killing and that Carlock was handcuffed and helpless when the police bullets snuffed out of his life.

Aroused because of the alleged injustice, the National Committee for the Defense of Political Prisoners and the International Labor Defense have demanded that the officers be dismissed from the police department and prosecuted for murder.

Blast Rape Theory

The young man had been accused of attacking Ruby Morris, white. Police claimed he had been identified as the woman's attacker and was trying to escape when they shot him.

But Carlock's wife explodes the charge that her mate had attacked the white woman. She said in an affidavit that Carlock was with her all the evening of the alleged attack.

Boris Israel, representative of the National Committee for the Defense of Political Prisoners, hurried to Memphis from Alabama, where he has been working on the Scottsboro case. Mr. Israel was accompanied by H. G. Forsha of the Labor Defense.

Mr. Israel charged that one of the four shots fired into Carlock's body entered the abdomen from the front—thus blasting the police contention that Carlock was fleeing.

The officers, A. F. Glisson, I. V. O'Guin, J. P. Freeman, O. D. Saunders, Everett Scott and Herman C. Hawks, were given a "clean bill of health" by city officials after the shooting.

Try Three Whites For Negro's Death

Courier 4-6-33

MEMPHIS, Tenn., Apr. 6. (ANP)—The trial of three whites charged with first degree murder of Harry Ross, who was killed January 2, opened here Monday. The three men claim that they were taking Ross, whom they accused of insulting their sister, to jail when he sought to escape.

Squire J. H. Barret is the state's star witness in the slaying. Squire Barret testified at the opening hearing that he had refused to issue a warrant for Ross' arrest because of insufficient proof.

B. C. Cook, the girl's brother and Ross' slayer, testified that his sister came to him and said of Harry Ross: "This nigger has insulted me and tried to attack me. He asked for a Christmas cake, and then he said to me, 'Will you receive money from men?' "

E. L. Cook, the father, B. C. Cook, the son, and Rudolph Blakely, a brother-in-law, are alleged by Squire Barret to have sought a warrant for Ross' arrest.

"I told them I didn't think the proof was sufficient to issue a warrant. I told Ross he had better get away from here," Squire Barret said.

"Ross started down the road and they started after him, and I called them back," Barret added.

The trio caught Ross later that evening, tiwas testified, after E. L. Cook had fired a rifle over his head. Ross, fearful of lynching pleaded:

"Mr. Cook, you can give me the electric chair, but don't kill me!"

Ross was captured and was being driven back to the jail, the Crooks claim, when the car turned into a detour. Ross is said to have leaped from the car and was shot down by B. C. Crook, the son.

Crook on the stand in his own defense stated: "I yelled at him two or three times, 'Stop!' I don't want to kill you, Harry,' but he didn't stop and I emptied the pistol."

Squire Barret previously said on the stand that the Crooks returned to him. B. C. Crook was pretty drunk and admitted he had killed Harry Ross.

Negro Admits He Took Life Of Woman In Theft

Advertiser

MEMPHIS, TENN., May 21.—(AP)—Detective Inspector W. T. Griffin said this afternoon that John Deal, 30-year-old negro, had confessed killing Mrs. H. I. Summerfield yesterday so that he could rob her.

5-22-33

Mrs. Summerfield's body was found in the bathtub of her home. Marks on her throat indicated she had been strangled.

The negro, who worked at the rooming house where Mrs. Summerfield lived, accompanied other roomers when they found the body. Mrs. Summerfield was the widow of a formerly prominent Main Street merchant.

Tennessee

Negro To Die In Chair At Nashville Today

Advertiser

NASHVILLE, TENN., Oct. 29.—(AP)—Willie Jones, 24-year-old negro, will die in the electric chair at the State Penitentiary at dawn tomorrow for the slaying of Granville Garner, Memphis used car dealer, who was shot to death while asleep at his home.

10-30-33

Warden A. W. Nee said Jones would be given anything he wished to eat during the night as well as all the cigarets he wanted.

The original date for the electrocution was Aug. 31, but Gov. Hill McAlister granted a 60-day respite so that he could study the record and clemency petitions. He decided not to interfere, however.

Chattanooga, Tenn. News

August 14, 1933

Jail the Gun-Toters

JOHN B. JONES, veteran deputy sheriff, was killed, and Frank Burns, City detective, wounded by two Negro highway robbers Saturday night. The officers engaged the Negroes in a gun battle.

This newspaper has repeatedly urged disarming of our desperadoes. We have sent reporters out to prove that pistols may be bought in Chattanooga at will.

How long are we going to make our brave officers martyrs to lax enforcement of the pistol laws? Any Negro who walks the streets with a pistol in his pocket is violating the law. Any white man who does the same thing is a lawbreaker, unless he has a permit, and we hope that permits to carry pistols are difficult to secure.

The killing of Deputy Jones, who gave many years of his life to law enforcement in his county, ought to be the signal for a demobilization of our gun-toting hoodlums, white and black.

Killings-1933

Tennessee

ROSEMARK MEN KILL NEGRO FOR REVENGE

Appeal

Shot Attempting to Escape, Men Tell Sheriff.

1-3-33

CORONER'S JURY MEETS

Returns Verdict That Negro Was Slain by Persons Unknown — Rosemark Aroused Over Negro's Act.

Memphis, Jan

An honor slaying was written across the first page of Shelby County's crime history of 1933 at 3 o'clock yesterday afternoon as Harry Ross, 25-year-old negro farmer was killed for an alleged attack on a 19-year-old Rosemark girl.

Ross was shot to death by B. C. Crook, a farmer near Rosemark. Ross was killed as he attempted to get away from Crook, E. L. Crook, 51-year-old sub-foreman of a road gang from Hooker's Camp and W. R. Blakney, 25 of 1484 Mississippi, who were taking him to county jail.

Insulted Girl.

"Last Thursday Ross came to my home," E. L. Crok said. "The girl was alone and he tried to grab her and she ran. Then he made an insulting remark to her."

"We had been trying to locate him—but he made himself scarce," said the younger Mr. Crook. "We found him about 2 o'clock near Braden, Tenn., and put him in the front seat of the car, which Blakney was driving.

"When we got to Bunker Hill the negro jumped out of the car and tried to get away and he was shot. We went to Squire J. H. Barret and told him about the shooting. Then we went home and surrendered, when Deputy Sheriff E. B. Powell came.

The Crooks were taken to county jail early yesterday afternoon and Blakney surrendered early last night. No charges had been placed against them last night.

A peculiar thing happened following the shooting. When the body was found an inquest was held and the coroner reported that Ross had died from gunshot wounds from the hands of an unknown person.

3 NEGROES FOUND GUILTY OF MURDER

Adv.

Fourth Accused In Slaying Of Two Tennessee Officers Acquitted

1-5-33

LEBANON, TENN., Jan. 4—(AP)—A circuit jury today convicted three negroes and acquitted another for the killing of a constable and a deputy.

Jake Alexander, 51, and his nephew, Charlie Alexander 17, both of whom admitted they fired the shots that fatally wounded the two officers, were sentenced to life imprisonment, and George B. Oldham, 17, was given a sentence of 25 years. A fourth negro, Jim Marthel, 19, was acquitted.

Montgomery Ala

The officers killed were Constable Ben Norman and Millard E. Brown, a deputy. The Alexanders testified during the trial that they thought they were being attacked by a mob and "shot to scare them away."

Norman and Brown were slain as they approached a cabin to serve a warrant on Oldham charging assault and battery in connection with a fight Oldham was reported to have had with a white youth, Ernest Smith, earlier in the day last September. The shots were fired from inside the cabin.

3 NEGROES FOUND GUILTY

Must Serve Terms for Killing of Officers.

Communist Paper

LEBANON, Tenn., Jan. 4.—(AP)—Three of the four negroes on trial here in connection with the fatal shooting of two officers were convicted by a circuit court jury this afternoon. The fourth negro was acquitted.

1-5-33

The verdicts were:

Charley Alexander, 17, life imprisonment for the killing of Constable Ben Northern; not guilty in connection with the fatal wounding of Millard E. Brown, a special officer.

Jake Alexander, 51, life imprisonment for the killing of Brown; not guilty for the killing of Northern.

Convicted

George B. Oldham, 17, 12 1-2 years imprisonment for the killing of Brown and the same sentence for the killing of Northern.

Jim Marthel, 19, acquitted.

Negro Convicted.

Chicago Defender

KNOXVILLE, Tenn., Feb. 22.—(AP)—Louis Irwin, 20-year-old negro, has been convicted of attacking, murdering and robbing Carrie Allen, pretty cafeteria cashier, last November. The verdict was returned late yesterday and the death penalty recommended. The jury deliberated 45 minutes.

Men Who Fired Into Mob To Protect Themselves And Home Sentenced To Prison

Journal & Guide

1-14-33

Norfolk, Va.

LEBANON, Tenn.— (ANP) —

"And shall Trelawney Die?
"And shall Trelawney Die?
There's 50,000 Cornishmen will know the reason why!"

So sang a host of aroused Britishers two centuries ago when a brutal crown threatened to take the life of their peasant leader.

But there were no voices raised in the little courtroom of this sleepy Tennessee town when a jury—twelve good and true men—twelve white men—filed into court last week to give the verdict in the case of State versus Charley Alexander, Jake Alexander, George Benton Oldham and Jim Walter Marthel: four black men, or rather, two black men and two black boys—for George Oldham and Charley Alexander are but seventeen.

True, they were not sentenced to death. Charley Alexander and Jake Alexander were given life terms. George Oldham was given twenty-five years. And Jim Walter Marthel was acquitted.

For what?

This Was Their Crime

In May of 1932, Ben Northern, a deputy-sheriff of Lebanon, came one evening to the home of Mrs. Margie Moore. In the testimony during the case it was developed that Mrs. Moore's husband had died mysteriously a few months before, and that a white neighbor had threatened to poison the Moore family well. Since that time Jake Alexander had been hired to stay in the house with Mrs. Moore to protect her.

Ben Northern came to the Moore home to serve a warrant—upon whom, no one knows; for the testimony also developed that the warrant he carried—found later in his blood-soaked coat—was made out in blank, and was invalid. With Ben Northern came a crowd of white men. One of them was Millard E. Brown. Ben Northern and Millard Brown never returned, for they fell in the yard of the Moore home, shot to pieces by shotgun shells hurled from the house.

But the trial developed startling testimony. There had been trouble between the whites of the district—"poor whites"—and the Negroes. The person who threatened to poison Mrs. Margie Moore's well—and remember that Mr. Moore died mysteriously soon afterward—was Mrs. Rise Brown. In the crowd that accompanied the deputy sheriff to the Moore home was Ernest Smith, a white boy.

On that fateful evening of May, Charley Alexander was walking along the road when he passed the Smith home. The Smith boy, it was alleged, cursed the colored boy, and tried to strike him with an axe. The colored boy resisted by throwing rocks at the white boy, who went at once to a white neighbor and borrowed a shot-gun with the expressed intention of "killing that black son of a b——."

Prepared to Defend Home

White neighbors testified that Ernest Smith—drunk—went up and down through the neighborhood, declaring that he intended to "wipe those 'niggers' off the hill." A kindly white neighbor went to Margie Moore's house and informed her that a mob was forming. Armed with shot guns, Jake and Charley Alexander, George Oldham, and Jim Marthel assembled to protect his home.

Cursing, shooting, the mob advanced on the Moore home. They were led by Deputy-Sheriff Northern, with a blank—and invalid—warrant in his pocket. They fired several shots at the home before they entered the yard.

Jim Marthel looked out the door, and saw that it was surrounded on all but one side. He decided on a sudden flight—but ran into the arms of Northern and Brown. That flight probably saved him from a prison term.

Fatal Shots Fired

Meanwhile, young Charley Alexander, excited by the tumult in the front of the house, took up a shotgun and fired through a crack in the door. That shot riddled Ben Northern and narrowly escaped hitting Jim Marthel. Then Jake Alexander took the gun from him, reloaded it, and fired through a window. That shot riddled Millard Brown.

Ernest Smith, the "poor white boy" who was the instigator of all of the trouble, together with other members of the mob, fled the scene of carnage. He crawled through a wire fence and ran to the sheriff's office and returned with this official. The Negro men were placed under arrest and spirited away to Nashville for safe keeping.

Mob Beats Two Women

That night a mob visited the home of Mrs. Margie Moore and beat her and her sister-in-law almost to death. Then, after long months of waiting, came the trial. The judge refused a change of venue. He admitted as evidence the invalid warrant, with which Deputy Sheriff Northern was no more than a trespasser.

Competent defense council, rallied to the cause by the family and with the aid of the Order of Elks, introduced a long array of witnesses to show that the Negroes were defending their home from an unauthorized and furious mob.

And today—twelve men—twelve good and true men—twelve white men—said that Jake and Charley Alexander must spend the rest of their lives in prison, and that George Oldham must spend twenty-five years there.

But there are voices asking—"Shall Jake and Charley Alexander die in prison for defending their castle and their lives against a mob?" Will the Elks be satisfied with what was, after all, a moral victory in a prejudiced community? Will twelve million Negroes in America say that these men, like Dr. Ossian Sweet in Detroit, were right in defending their home against an armed mob?

NO INVESTIGATION ON CARLOCK CASE

Courier-Journal

3-4-33

Says Cop Chief of Memphis to Reformists

MEMPHIS, Tenn., March 3.—No official investigation of the brutal lynching of Levon Carlock, 19-year old Negro working youth by six policemen of his force, will be made, according to Police Commissioner Cliff Davis. He made this statement to an "Uncle Tom" begging committee of N. A. A. C. P. local leaders, who approached him on the question secretly on Wednesday in an attempt to co-operate with the officials to stifle the seething resentment of the aroused masses who are already looking to the International Labor Defense for leadership in the fight against the growing police terror. This action by the N. A. A. C. P. leaders is a duplication of their traitorous activities in the Scottsboro Case where they are attempting to disrupt the mass defense for the nine innocent Negro lads.

W. L. Patterson

Stewart Leads Pussy-footers

M. S. Stewart, local president of

the N. A. A. C. P., led this pussy-footing committee of ministers and fawning members of the Negro bourgeoisie, after rank and file members of the local N. A. A. C. P. had forced him to promise a decision on what he intended to do about the proposal of the I. L. D. for a broad united front committee to head the mass sentiment on this issue. Representatives from all groups were openly invited, with special invitation to the N. A. A. C. P., the only condition being a serious interest in the three formulated demands on the city government.

The demands, which had been telegraphed to Comissioner Davis by William L. Patterson, national secretary of the I. L. D. from New York, are: 1. Immediate removal and punishment of the six guilty police murderers. Death penalty for the uniformed lynchers! 2. Indemnities for the 16-year old widow of Levon Carlock; 3. An immediate stop of all such continued police butchery and brutality against workers and particularly open and vicious against the Negro people

"We Must Stop Murder of Negro People!" Says Young Widow of Levon Carlock in Memphis

Negro Lad Shot by Cops on Basis of Vile Frame-Up

Jobless Join Protest; Raise Issue in March 4th Demonstrations

NEW YORK.—An urgent appeal to workers and their organizations to rally immediately against the attempts of the white ruling class to legally lynch Euel Lee, aged Negro farmhand, and Will Sanders, 16-year-old Negro youth, was issued by the International Labor Defense yesterday.

The appeal points out that the bosses of South Carolina are rushing the Negro youth, Will Sanders, to the electric chair this Friday.

The I.L.D. also reported that the appeal of Euel Lee comes up this Thursday at Annapolis, Md.

* * *

MEMPHIS, Tenn., March 1.—"We're depending on you," Eula May Carlock, sixteen year old widow of Levon Carlock, young Negro worker murdered here by police, said to an International Labor Defense representative today. "We won't do a thing unless you say so. Levon can't be brought back, but maybe we can stop this murdering of Negro people. "I'll do anything you say. They can't scare me."

PREPARE WHITEWASH.

This statement was made from the sick bed where Mrs. Carlock has been ill for days since the cruel torture and bloody murder of her innocent young husband by six Memphis patrolmen out for a good time. It followed a visit by a coroner who threatened her and claimed that police don't kill people in Memphis without good reason. He clearly indicated that an attempt will be made to whitewash the murderers when the coroner's inquest is called. He refused to divulge the time or place of the inquest, hoping to hold it secretly.

COPS REMAIN FREE.

The six policemen who mercilessly beat Carlock last Saturday morning after accusing him of the "rape" of a practicing prostitute, then put five bullets into his head and body, are still active on the police force, no explanations having been required of them other than the lie that Carlock made an "attempt to escape". They have not even explained the bullet wounds in the front of Carlock's body, nor in the top of his head, showing that he was shot from the front and after had fallen to the ground.

"Yeah, I can't take all the credit, but I was one of them that shot the nigger," one of the lynchers is reported to have joked since then. In an attempt to avoid an investigation, they have told Ruby Morris, the prostitute who is supposed to have made the identification, not to talk.

"The law told me to keep my mouth shut and that's just what I'm going to do", she screamed at the attorney for the International Labor Defense who questioned her.

NEGRO PEOPLE AROUSED.

The Negro people of Memphis are thoroughly aroused and are forming Levon Carlock Committees of Action in the neighborhoods, churches, lodges, etc., in answer to a call by the International Labor Defense to rally about the slogan "Levon Carlock Must Be the Last!" to back the demands for immediate removal and punishment of the six murderers, indemnities by the city government to Carlock's widow, immediate cessation of the continued police brutality against the Negro people. Indignation is also expressed by an increasing number of white workers.

Robert Keebler, prominent attorney, has already become active on the case aiding the I.L.D. in the prosecution preparations.

JOBLESS JOIN PROTEST.

Representatives of the Unemployed have also announced that they would join in the protest and pointed out that about a thousand workers, mainly Negro, had been thrown off the relief work lists two days after Carlock's vile murder, and called upon all employed and unemployed workers to fight against the common oppressor and the terror of the boss agents instituted in an attempt to stem the rising struggles against starvation. It will be an important issue in the demonstration this Saturday, March 4th.

NEGRO REFORMISTS SABOTAGE THE UNITED FRONT IN CARLOCK CASE

Repeat Fake Excuse of Memphis Cops That Lad Was Killed While Fleeing Arrest

MEMPHIS, Tenn., March 6.—With organization of local mass pressure behind the demands of the International Labor Defense for death penalties for the six uniformed lynchers of Levon Carlock going ahead rapidly, the National Association for the Advancement of Colored People misleaders are organizing their forces to smash the move for a mass movement to see that this is the last of the police killings of Negroes in Memphis.

Disregarding the enthusiastic reception given by a mass meeting attended by 700, Sunday, to the International Labor Defense call for election of united front delegates, the N.A.A.C.P. leadership forced through a decision to put off action until the Friday membership meeting, the same decision which was arrived at, at a previous secret meeting of their executive board.

"Our information is that he was trying arrest," M. S. Stewart told the meeting, disregarding its whole prove that the police, which prove that the police, and planned wanton murder, and planned evidence that Carlock was shot in the back, to cover up their murderous deed. The report from the front.

Daisy E. Lampkin, national N.A.A.C.P. secretary, who is here from New York, led this pussy-footing committee of ministers and fawning members of the Negro bourgeoisie, after rank and file members of the local N.A.A.C.P. had forced him to promise a decision on what he intended to do about the proposal of the I.L.D. for a broad united front committee to head the mass sentiment on this issue. Representatives from all groups were openly invited, with special invitation to the N.A.A.C.P., the only condition being a serious interest in the three formulated demands on the city government.

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SPOILED NEW HITLER PLOT

The Hitlerites had it all ready with families but $8 a month, and to stage their "attempt to assas during an unprecedented rush upon sinate Hitler," but the English cor all the banks in Memphis, with millions of dollars being drawn from safety deposit accounts.

SKEPTICAL FRENCH PRESS

The French bourgeois press also rejects the fascist version of the arson. "Le Temps" is plainly skeptical in its editorial comments.

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Sharing the common distrust of the official Nazi (fascist) version of the Reichstag fire, the London Times concludes: "In the present state, continuation of this highly strained situation constitutes a menace to international peace."

with families but $8 a month, and during an unprecedented rush upon all the banks in Memphis, with millions of dollars being drawn from safety deposit accounts.

Killings - 1933

TEXAS

Two Texas Slayings Admitted by Suspect

DALLAS, Texas, July 1.—(AP)—R. T. Bennett, 25, confessed told police and newspapermen today he was responsible for the death by strangulation of Mrs. H. K. Buchanan, 28-year-old blond film executive, at her apartment here last winter and the fatal shooting Thursday of Sam Lunsford, 36, patrolman.

He also said he was the prowler who two months ago shot and seriously wounded George A. Coffey, Dallas wholesaler and manufacturer, and took $20 he found in the house. Mrs. Buchanan's death baffled police for months. Her naked body, covered by a counterpane, was found in her bedroom.

The negro said he entered Mrs. Buchanan's apartment to rob her, found her asleep, determined to steal two diamond rings he saw on her finger and wrapped a silk stocking around her neck in an effort to render her unconscious. When she seemed lifeless, he said he attacked her and left.

Two rings which police said belonged to Mrs. Buchanan were found today in an outhouse near the negro's home.

CONFESSES KILLING TWO

Bodies of Victims Were Found on Outskirts of Fort Worth.

FORT WORTH, Texas, July 28.—(AP)—Officers announced today that a negro had confessed he fatally shot A. B. Mitchale, 33, and Miss Geneva Cantrell, 19, and attacked the girl, early Monday.

The bodies of the couple were found near an automobile on the outskirts of town.

GIRL MURDERED, ESCORT IS SHOT

Two Negroes Confess Brutal Crime Near Dallas and Lead Police to Body

DALLAS, Texas, Aug. 31 (AP)—The mistreated body of Miss Katherine Prince, 19-year-old high school graduate, was found in a cotton patch southeast of Dallas today by officers led to the scene by two Negroes who confessed kidnaping and killing the girl and shooting her escort, Mace Carver, 27.

A crowd, seemingly more curious than threatening, quickly gathered at the municipal building when it was learned the slayers had been captured and placed in the city prison on in the basement of the building. The crowd melted away later without attempting any violence.

From Mesquite, a suburb, came reports of intense anger but there was no indication of possible mob action.

Miss Prince's face was battered, her body bore marks of brutal treatment.

Carver's Wounds Serious

Carver, an ice station employe with whom Miss Prince sat in an automobile on a sideroad listening to a radio program last night, was in serious condition in a hospital with a bullet wound through the neck and another in his hand. He offered resistance when the Negroes demanded that he walk away from the place at which they held Miss Prince captive.

The Negroes said they were Truman and Bluit Burkley, brothers. They were arrested when the officers received a tip that they had suddenly quit work on the cotton farm where Miss Prince's body was found and started afoot for Dallas. The prisoners made confessions to Will Fritz, a detective lieutenant.

Carver and the girl had gone together for many months, Miss Prince's family said.

NEGRO TO DIE IN KILLING

Murder Jury Takes But Few Minutes To Reach Verdict.

DALLAS, Sept. 11.—(AP) — A district court jury after brief deliberation today sentenced Bluitt Burkley, 19, negro, to death in the electric chair for the slaying of Miss Katheryn Prince, 19, in a field near Dallas on Aug. 30. The verdict came a short time after the negro had repudiated a confession, claiming that it was made under threat of mob violence.

Texas Girl Assaulted And Killed, Companion Shot; Negroes Confess

DALLAS, TEXAS, Aug. 31.—(AP)—Murder indictments were returned tonight by a quick-acting Grand Jury against Bluitt Burkley, 19, and Thurman Burkley, 18, negro brothers implicated in the mistreatment and shooting of Miss Katheryn Prince, 21, after wounding her escort on a lonely county road.

DALLAS, TEXAS, Aug. 31.—(AP)—The mistreated body of Miss Katherine Prince, 19-year-old high school graduate, was found in a cotton patch southeast of Dallas today by officers led to the scene by two negroes who confessed kidnaping and killing the girl and shooting her escort, Mace Carver, 27.

A crowd, seemingly more curious than threatening, quickly gathered at the Municipal Building when it was learned the slayers had been captured and placed in the City Prison. The crowd left later without attempting any violence.

From Mesquite, a surburb, came report of intense anger aroused over the attack but there was no indication of possibl mob action.

Miss Prince's face was battered, he body bore marks of brutal treatment and according to the finding of Dr. George Stephens of Mesquite, she had been attacked criminally before her life was ended with a bullet through the head.

Carver, an ice station employe, with whom Miss Prince sat in an automobile in a side road listening to a radio program last night was in serious condition with a bullet wound through the neck and another in his hand. He offered resistance when the negroes demanded that he leave.

The negroes said they were Truman and Bluit Burkley, brothers. They were arrested when the officers received a tip that they had suddenly quit work on the cotton farm where Miss Prince's body was found and started for Dallas.

WHITE MAN HELD ON A CHARGE OF SHOOTING NEGRO

Houston.—The Houston police department reversed the old order of things Friday evening when Joe Lampo, white, was arrested and held in the county jail on a charge of assault to murder for the shooting of Robert Hill, 2507 Alabama. The bullet struck Hill in the fleshy part of the leg.

When the white man was arrested, he had two pistols on his person. Witnesses told the officers that Lampo had given Hill $18 with which to purchase stolen sugar for use in making whisky, and although Hill did not get the sugar, he kept the $18. Lampo did not forget about it and sought to bring it to the attention of Hill by waiting until he knew Hill was walking in the street, riding down the street in a car, accompanied by a number of his friends, and shooting Hill in the leg.

Meanwhile, ironically enough, Lampo is in jail, while Hill was taken to a hospital, treated, and released.

Killings-1933
6

Texas.

Trail Leads to Murder

THE old imaginary train we mentioned last week in the topic on the slaying of a white man in Texas, and the assertion of the white woman who was with him that "it was done by two colored men," on last Thursday resulted in the death of Manuel Henry, who was killed by Texas Rangers while "resisting arrest" as a suspect. The white woman was unable to identify the body as that of the man who killed her escort but this won't do Henry any good.

GET SENTENCE OF DEATH IN FIVE MINUTES

Dallas Jury Sends Two Brothers to Chair For Murder

DALLAS.—Deliberating only five minutes on the case of each, a jury in the criminal district court here Monday sentenced two young brothers, Bluitt and Thurman Burkley, to die in the electric chair.

The Burkley brothers were tried for the sensational murders of a young white girl, Katheryn Prince, and the shooting of her escort, Mace Carver, on the night of August 30 on a lonely road.

No date for the execution has been set but it is thought likely that October 20 will be the date fixed provided no appeal for a new trial is asked.

In the case of Bluitt, brought first to trial, it required only 10 minutes for the testifying of witnesses and the arguments of both defense and prosecution.

During the trial, which was begun and ended on the same day, the courtroom was crowded with whites with only a sprinkling of Negroes present. Feeling ran high and the spectators were at fever heat, but the law was permitted to take its course.

Carver Takes Stand

Chief prosecuting witness was Carver, who at the time of the murder and shooting was left in a semi-unconscious condition by the side of the road and was found the following morning by a passing farmer. He was rushed to Baylor hospital and revived enough to make a statement in which he gave a graphic description of his attackers.

Upon information given by him police sought and captured the Burkley brothers, who made a confession of the murder and shooting and led police to the spot where the slain girl's body lay.

When news of the capture reached the village, a mob was quickly formed but was quickly dispersed by the presence of a half dozen officers. The Burkley brothers made a written confession of the crime and were confined in the city jail.

Two days before the trial, Bluitt Burkley repudiated his former confession and on the day his trial opened entered a plea of not guilty. In his repudiation, he shifted the blame to his brother Thurman.

Thurman Admits Guilt

When Thurman's case was brought before the court his trial was conducted with equal speed. When placed upon the stand he confirmed his confession of guilt and told of his part in shooting the man and killing the girl.

As an aftermath to the Burkley crime, masked white men on a Thursday night visited every Negro section near Scyene, Mesquite and Pleasant Mound, which were near the murdered girl's home, posting warnings that all Negro residents must vacate their homes by the following day.

Quelling the mob's order, however, the mayor of Mesquite, and the chief deputy sheriff, Bill Decker, held a conference on the matter and High Sheriff Smoth Schmid issued an order that all colored citizens of all the communities would be protected at any cost.

Upon an investigation a half dozen of the would-be night riders were ordered to appear before the grand jury.

Negro Confesses Murder in Texas

Prisoner Removed From Jail as Safety Measure

ANGLETON, Texas, Jan. 1. (AP)—Johnny Dade, 21-year-old Negro was removed from the Brazoria county jail here as a precautionary measure today after Sheriff Jimmy Martin said he had confessed to the axe slaying Christmas eve of Roy Lapham, 50, Alvin recluse.

Martin would not say where he took Dade and another Negro who was held for questioning in connection with the slaying.

The sheriff said Dade implicated two other Negroes and stated they killed Lapham to get some Christmas money.

Dade's stories of how much money they obtained were conflicting. At one time he said $7 and at another $21.

The recluse was known to have received a Christmas present of $10 from a sister, Mrs. Ben C. Kennedy of Manatee, Fla.

Killings - 1933 I

Virginia

ILLSLEY MURDER JURY CHALLENGED BY NEGRO

Crawford's Counsel Will Fight All-White Venire as Trial Opens Today.

12-12-33

LEESBURG, Va., Dec. 11 (AP).—Counsel for George Crawford prepared tonight to contest the Negro's trial before a white jury tomorrow on an indictment charging him with killing Mrs. Agnes Boeing Illsley, sportswoman, at her Middleburg, Va., home Jan. 13, 1932. Crawford also is charged with the murder of Mrs. Illsley's maid, Mrs. Mina Buckner.

The challenge to the 101 white venire men will be made by Charles H. Houston of Washington, a Negro attorney, immediately after the December term of the Loudoun County Circuit Court opens tomorrow before Judge James L. McLemore of Suffolk.

This course was announced by the defendant's counsel here after a conference with the Commonwealth's attorney, John Gallaher. Houston said he was prepared to plead that Negroes had been excluded from January jury service in Loudoun County, and thus were discriminated against by a denial of their constitutional rights.

Meanwhile, attorneys for the State, who include State Senator Cecil Connor and Frank M. Wray said they were ready to proceed.

Negro Convicted At Murder Trial

George Crawford Sentenced to Life Term in Prison

12-12-33

LEESBURG, Va., Dec. 16 (AP).—A sentence of life imprisonment was imposed today on George Crawford, Negro, for murdering Mrs. Agnes Boeing Ilsley, prominent Middleburg, Va., sportswoman.

Soon after a jury of 12 white men found him guilty of the slaying, he left under heavy guard for Richmond to spend the remainder of his life in the state penitentiary.

The death penalty had been asked by the state.

Members of the jury said the lighter penalty, fixed by the jury, resulted from the appeal earlier in the day of his attorney that his life be spared so he might identify an alleged accomplice, Charlie Johnson.

The Negro attorney, Charles H. Houston, pointed out Crawford had placed the blame for slaying Mrs. Ilsley on Johnson and that if he were executed the other Negro never could be convicted.

CRAWFORD DEFENSE LOSES INITIAL TILT

12-13-33

LEESBURG, Va., Dec. 12.—(AP)—Defense motion to quash the venire in the George Crawford murder case was overruled today by Judge James L. McLemore and trial of the negro on a charge of slaying Mrs. Agnes Boeing Ilsley, of Middleburg, Va., was ordered.

Judge James L. McLemore said the evidence there was no discrimination against negroes because of race of color before him now was "even stronger" than that presented in November when he overruled a motion to quash the indictment.

Charles H. Houston, of Washington, negro attorney, took an exception to the judge's ruling, on which he plans to make an appeal to the supreme court in event of Crawford's conviction.

The jurist ruled that in selecting 100 men for jury service 1,000 probably were excluded, but "selection should not be confounded with exclusion."

"It is a violent presumption to say that because a colored man is not selected, that he is excluded."

A panel of 20 white men from which a jury of 12 will be selected tomorrow was approved late today by the court.

VIRGINIA JURY GIVES NEGRO SLAYER LIFE

Crawford Trial Attracted Wide Attention Because Racial Issue Was Involved

12-17-33

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The death penalty had been asked by the State.

Members of the jury said the lighter penalty, fixed by the jury, resulted from the appeal earlier in the day by his attorney that his life be spared so he might identify an alleged accomplice, Charlie Johnson.

The negro attorney, Charles H. Houston, pointed out Crawford had placed the blame for slaying Mrs. Ilsley on Johnson and that if he were executed the other negro never could be convicted.

Johnson, who is at large, was accused by Crawford in a confession admitted as evidence as being the actual killer of Mrs. Ilsley and her maid, Mrs. Mina Buckner, when they entered the former's cottage Jan. 13, 1932, for the purpose of robbery.

Out Nearly Two Hours

The decision by the jury of nine farmers, one merchant and two bankers, was reached at 3:40 p.m., after they had deliberated for one hour and 35 minutes.

They took four ballots. On the first three voted for the death penalty; on the second two did so, and on the third only one favored that action.

Before E. O. Russell, clerk of Loudoun County Circuit Court, read the verdict, Judge James L. McLemore, of Suffolk, sent here by Gov. John Garland Pollard to preside, warned the crowd in the courtroom against any demonstration.

Armed State troops were posted in the chamber for the first time during the five-day trial. Immediately after the verdict they escorted Crawford out of the courtroom and headed toward Richmond.

Before he left, Crawford said he had "nothing to say" except that he thought it took the jury "a long time" to report.

To protect the prisoner's rights, Houston gave formal notice of appeal, but later told newspapermen that under no circumstances did he plan to press for a reversal by a higher court.

He had planned, he said, to appeal to the higher courts in event the death penalty was imposed.

Grounds Laid For Appeal

During the five-day trial, defense counsel contended the action was unconstitutional because the negro race had not been represented on the Grand Jury or the trial jury. Throughout the defense sought grounds for an appeal to the Supreme Court on that issue.

The brutal double murder of Mrs. Ilsley and her maid and the mystery that surrounded it in the fashionable fox hunting and horse raising section of Virginia, drew widespread attention.

Crawford was arrested in Massachusetts last Spring and fought extradition. The late Federal Judge James A. Lowell, of Boston, granted him freedom through a writ of habeas corpus.

The jurist said there was no use sending him to Virginia for trial because the case in event of conviction would be reversed by the Supreme Court on grounds that negroes were barred from juries.

This resulted in impeachment proceedings in the House of Representatives and an investigation of Judge Lowell. His decision was reversed by the Federal Court of Appeals and, in October, the Supreme Court refused to review it.

Crawford was returned to Virginia in October, and was held in jail at Alexandria, 30 miles away, for safe-keeping. He was guarded by State troopers throughout the trial, and commuted daily between here and Alexandria.

GEORGE CRAWFORD GIVEN LIFE TERM

Negro Convicted of Slaying Prominent Virginia Sportswoman

12-17-33

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Soon after a jury of 12 white men found him guilty of the slaying, he left under heavy guard for Richmond to spend the remainder of his life in the state penitentiary.

The death penalty had been asked by the state.

Members of the jury said the lighter penalty, fixed by the jury, resulted from the appeal earlier in the day by his attorney that his life be spared so he might identify an alleged accomplice, Charlie Johnson.

TESTIMONY FINISHED IN TRIAL OF CRAWFORD

Defense Declines To Put Accused an Stand; Only 3 Witnesses Heard

12-16-33

LEESBURG, Va., Dec. 15.—(AP)—The record of testimony in the trial of George Crawford on a charge of murdering Mrs. Agnes Boeing Ilsley, prominent Middleburg, Va., sportswoman, was completed today after two witnesses said they had told them he expected to "die" for the slaying. In a surprise move, defense attorneys failed to put Crawford on the stand and presented only three witnesses, whose testimony had no direct bearing on the death of Mrs. Ilsley and her maid, Mrs. Mina Buckner, on January 13, 1932.

A confession said by state witnesses to have been made by Crawford soon after his arrest in Boston was admitted as evidence by Judge James L. McLemore over the protest of defense counsel that it had been obtained as the result of inducements.

Lieutenant Edward J. Keating, of the Boston police force, and John Galleher, Virginia commonwealth's attorney, said the negro told them in Boston on January 20, 1932:

"I know I am going to die for this. I am ready to go back to Virginia."

He also was quoted as saying he had made himself "right with God" and wanted to make himself "right in the eyes of man."

CRAWFORD CASE NEARS END; JURY PLEA OVERRULED

Male Witness Comes Into Court In Female Dress

12-16-33

BULLETINS

Leesburg, Va.

CRAWFORD'S ALIBI SEEN AS SUPPORTED

By THOMAS W. YOUNG
Journal and Guide Staff Writer

LEESBURG, Va.—(By Wire)—The missing bootjack with which Mrs. Agnes Boeing Ilsley was allegedly slain by George Crawford was last seen by General William Mitchell, former U. S. Air Service chief, wealthy sportsman, and close acquaintance of the dead society matron, in a dresser drawer in the "big house" in which she lived, it was revealed at Crawford's trial Wednesday afternoon.

The trial so far has not divulged any evidence as to who took it there from the nearby cottage.

Paul Boeing, Mrs. Illsley's brother, testified Wednesday as to his discovery of the bodies of his sister and her maid. He is now a furniture designer of Minneapolis and New York. John Boeing, Paul's brother, is also present at the trial.

CRAWFORD CASE NEARS END; JURY PLEA OVERRULED

Male Witness Comes Into Court In Female Dress

Journal and Guide
12-16-33
Norfolk, Va.

Paul Boeing said on cross examination by Charles Houston, of the defense, that he last saw Crawford June 12, 1931. The slaying occurred on January 13, 1932. Crawford claims, and is backed up in this by witnesses, that he was in Boston on the day of the murder.

BLOODY BOOTJACK MISSING; LOSS MYSTIFIES COURT

LEESBURG, Va. — (By Wire)—Failure of the Commonwealth to produce the bloody bootjack figuring in the Crawford case, when requested to do so by Charles H. Houston, chief defense council, after Coroner John Gibson had testified he had seen an iron bootjack covered with blood in Mrs. Agnes Boeing Illsley's room after her murder, raised the belief here Wednesday that it had been concealed since the murder.

Dr. Gibson said that there was

(Continued from page 1)

hair on the bootjack, but no one seems now to know what has become of it. Dr. Oscar D. Hunter, pathological expert from Washington, said he examined the bodies of Mrs. Illsley and her slain white maid, Mrs. Nina Buckner, after the slaying and found no evidence of rape.

Racial Identity Disputed

He said one fingernail of Mrs. Illsley's had been pulled almost out completely and that under another he found scrapings of skin and two hairs which on examination revealed Negro pigmentation and hair.

Attorney Leon A. Ransome of the defense brought out on cross examination that the hair could be from a wart on a white man or from any person of a darker-skinned race.

JUDGE ADMONISHES D. C. REPORTER'S SCARE STORY

LEESBURG, Va.—(By Wire)—Judge James L. McLemore, presiding at the trial of George Crawford for the murder, Wednesday, admonished a reporter from a Washington daily paper, who sent in a story saying that there was no feeling here against Crawford and that the only feeling was against the defense lawyers.

According to the Washington reporter's story, the defense counsel alone were stirring up bitterness and that "they had better be careful how they cross-examined commonwealth witnesses."

Judge Denies Story

The judge denied there was any foundation for the article and asserted that the all-colored defense staff had "conducted themselves perfectly properly and received the same treatment as white men as long as they so conducted themselves."

Crawford is being tried on the Ilsley indictment first. Commonwealth's Attorney John Gallcher said in his opening statement that Dr. S. B. Hunter of Washington would testify that his examination of Mrs. Illsley's body revealed that scrapings under her fingernails were the skin and hair of a Negro.

He said also that Hammond Noake would testify that Crawford spent the night before the murder with him at Herndon, Va., writing Noake's address on notepaper on leaving in the morning.

When Noake came into court he was wearing female clothes and was frisking and waving to people he apparently knew.

The defense waived an opening statement.

The trial will last for a week and is not expected to end before next Tuesday.

The Crawford Case Ends

(Richmond News Leader)

Planet
12-23-33
Richmond Va.

Trial of George Crawford, in the apt phrase of Roy Flannagan, was "mob-spirit in reverse." Community, court and counsel were all determined that nothing should happen to mar the administration of justice. So intent was everyone on this that the issue of Negro jurymen was lost in the still larger issue of public order.

As far as one could see, Crawford's interest did not suffer in the hands of Negro counsel. His attorneys were not familiar with Virginia procedure, of course, nor were they as much at home in a criminal trial as they would have been in arguing a civil cause, but they acquitted themselves admirably. As a group, they demonstrated to the Virginia public that there are Negro lawyers in the country who can be courteous without being obsequious, lawyers who can make a fight without arousing racial antagonisms. That of itself gave to the trial a certain educational value. More particularly, there is little doubt that Dr. Houston's appeal to the jury saved George Crawford from the electric chair. The defence was unprepared for Crawford's confession, and had been built up around his pretended alibi. Deceived by their own client, the attorneys for the defence had to save his life in the face of overwhelming testimony against him. Dr. Houston did this by reminding the jury that if Crawford were executed, all hope of procuring the conviction of the other party to the crime would be lost.

As for the behavior of the Loudoun people and the prosecutors, it was precisely what The News Leader was confident it would be. Everybody leaned backward, as it were, to see that justice was done the man, and that the Negro lawyers who were pleading in a strange court under the handicap of a poor case, got all possible consideration. The attitude of Mr. Gallcher and his associates was precisely what Virginia had a right to expect of such men. Judge McLemore was . . . well, it is enough to say that he was Judge McLemore.

The News Leader never shared the apprehension felt in some quarters as to the outcome of the case. Of course, conviction was calculated to ease any tension that might have existed, but we believe, despite all whispers to the contrary, that Crawford would have been safe if he had been acquitted.

Virginia justice in this instance is vindicated alike by those who doubted it and by those who believe in it. Let us not be vainglorious on that account. We have shown what Virginia can do when she tries to avert race feeling in a case that is apt to provoke it. What we must seek hereafter is to have exactly the same spirit displayed when we make no special effort to assure fair play. We must do as well when we don't try as when we do. For the ideal of justice is a condition in which the race of the accused plays no part whatsoever

TESTIMONY IS DAMAGING IN THE CRAWFORD CASE

Afro-American
12-23-33
Baltimore, Md.

28 Witnesses Testify Accused Was Near Murder Scene.

MANY CONTRASTS IN VA. COURT

Society Hobnobs with Hoi Polloi at Trial.

By RALPH MATTHEWS

LEESBURG, Va.—George Crawford, accused of the double murder of Mrs. Agnes Boeing Ilsley, and Mrs. Mina Buckner, sat silently in the courtroom Thursday as the commonwealth knit together a web of testimony that at this point makes the death penalty almost inescapable.

Calling a waiting line of 28 witnesses in rapid succession, the prosecution, with unrelenting persistence, drove steadily toward a probable conviction, eradicating any possibility of the establishment of an alibi. The attorney tore the veil from the illicit love life of Crawford and Bertie DeNeal, his alleged common-law wife, who followed him to Boston, and paved the way for the admission of an alleged confession that Crawford made in Suffolk County jail in Boston and later repudiated.

Odd Types Displayed

Never since the famous Hall-Mills trial and its notorious "pig woman" has a trial been fraught with more sensation, dramatic situations, odd and colorful characters than the 12-hour period of Wednesday's trial unearthed.

The highly sensitive and immaculately groomed Paul Boeing, brother of the dead woman, made a striking contrast to the grotesque attire of the snirll-voiced Hammond Nokes, who sent the courtroom into convulsions when "she" took the stand, adorned in woman's attire.

He stood up haughtily, with his muscular arms akimbo and pointed to Crawford as the man who had sought lodging at his home the night prior to the murder.

The lazy, southern drawl of Virginia farmers provided an equally striking contract to the Bostonian accents of New England police officials, who told how Crawford had given a full confession of the crime after his arrest.

Handwriting Expert Testifies

The technical and methodical testimony of J. H. Taylor, handwriting expert of the identification bureau of the U.S. navy, who identified a letter written by Crawford, was also a contrast to the gruff information given by E. N Cost, a burly night watchman of the Colliflower coal yard, who told how he had seen Crawford and another man abandon the automobile near his place of employment.

The automobile had disappeared on the night of the murder and was discovered abandoned near Washington. In the glaring flood-lights of the Washington airport, Cost said he saw Crawford leave the automobile.

A note found in the car was identified as in Crawford's handwriting and bore the name and address of Hammond Nokes, to whom Crawford promised to send money for a night's lodging.

The portly, gray-haired Mrs Mary Buckner, the only woman called to the stand, also was quite a marked contrast to the stubby miserably clad Bertie De Neal, who hung her head as love letters she had written to and received from Crawford, were ruthlessly read in court as the auditors snickered.

Left Fruit Cake

Mrs. Buckner, who is of a rich chestnut brown complexion, was very much disturbed because she had been summoned into court just as she had put her Christmas fruit cakes in the stove. She was deeply concerned about their welfare.

She said she was the next door neighbor of Mrs. Ilsley and had heard no disturbance on the night of the murder.

Society Is Present

In the courtroom rustic farmers sat side by side with New York and Miami social elite. Society belles in riding habits rubbed elbows with stable boys and horse trainers.

CRAWFORD CASE NEARS END; JURY PLEA OVERRULED

Male Witness Comes Into Court In Female Dress

Journal and Guide 12-16-33 Norfolk, Va.

(Continued from page 1)

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(Richmond News Leader)

Planet 12-23-33 Richmond, Va.

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Society Hobnobs with Hoi Polloi at Trial.

By RALPH MATTHEWS

LEESBURG, Va.—George Crawford, accused of the double murder of Mrs. Agnes Boeing Ilsley, and Mrs. Mina Buckner, sat silently in the courtroom Thursday as the commonwealth knit together a web of testimony that at this point makes the death penalty almost inescapable.

Calling a waiting line of 28 witnesses in rapid succession, the prosecution, with unrelenting persistence, drove steadily toward a probable conviction, eradicating any possibility of the establishment of an alibi. The attorney tore the veil from the illicit love life of Crawford and Bertie DeNeal, his alleged common-law wife, who followed him to Boston, and paved the way for the admission of an alleged confession that Crawford made in Suffolk County jail in Boston and later repudiated.

Odd Types Displayed

Never since the famous Hall-Mills trial and its notorious "pig woman" has a trial been fraught with more sensation, dramatic situations, odd and colorful characters than the 12-hour period of Wednesday's trial unearthed.

The highly sensitive and immaculately groomed Paul Boeing, brother of the dead woman, made a striking contrast to the grotesque attire of the shrill-voiced Hammond Nokes, who sent the courtroom into convulsions when "she" took the stand, adorned in woman's attire.

He stood up haughtily, with his muscular arms akimbo and pointed to Crawford as the man who had sought lodging at his home the night prior to the murder.

The lazy, southern drawl of Virginia farmers provided an equally striking contract to the Bostonian accents of New England police officials, who told how Crawford had given a full confession of the crime after his arrest.

Handwriting Expert Testifies

The technical and methodical testimony of J. H. Taylor, handwriting expert of the identification bureau of the U.S. navy, who identified a letter written by Crawford, was also a contrast to the gruff information given by E. N. Cost, a burly night watchman of the Colliflower coal yard, who told how he had seen Crawford and another man abandon the automobile of the late Mrs. Ilsley near his place of employment.

The automobile had disappeared on the night of the murder and was discovered abandoned near Washington. In the glaring floodlights of the Washington airport, Cost said he saw Crawford leave the automobile.

A note found in the car was identified as in Crawford's handwriting and bore the name and address of Hammond Nokes, to whom Crawford promised to send money for a night's lodging.

The portly, gray-haired Mrs Mary Buckner, the only woman called to the stand, also was quite a marked contrast to the stubby miserably clad Bertie De Neal, who hung her head as love letters she had written to and received from Crawford, were ruthlessly read in court as the auditors snickered.

Left Fruit Cake

Mrs. Buckner, who is of a rich chestnut brown complexion, was very much disturbed because she had been summoned into court just as she had put her Christmas fruit cakes in the stove. She was deeply concerned about their welfare.

She said she was the next door neighbor of Mrs. Ilsley and had heard no disturbance on the night of the murder.

Society Is Present

In the courtroom rustic farmers sat side by side with New York and Miami social elite. Society belles in riding habits rubbed elbows with stable boys and horse trainers.

Killings - 1933

Virginia

Reporters of both races exchanged notes across the press table as a copy boy hurried about the room.

Defense counsel rushed across to shake the hand of the chief prosecuting attorney when a morning paper announced that he had been given a federal appointment.

No signs of ill feeling were present as the attorneys engaged in heated verbal battles.

Crawford Is Small Potatoes

The most insignificant person in the whole proceedings was George Crawford, himself, so insignificant in fact that at one time an attorney had to call the attention of tht judge to the fact that after a recess period they had inadvertently proceeded without his being in the court room.

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All the while, witness after witness was piling up bits of testimony placing Crawford at the scene of the murder, in a strong web of circumstantial evidence.

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GREENSBORO, N. C.
RECORD

DEC 30 1933

Defending the Guilty.

Discussing the case of the negro, George Crawford, who was sentenced to life imprisonment for murder in Virginia a few days ago, Virginius Dabney, of the Richmond Times-Dispatch, remarks that the defense felt none too kindly toward the defendant "because of the manner in which he misled his lawyers into believing that he was in Boston, Mass., at the time Mrs. Ilsley . . . was found brutally beaten to death in her Middleburg home nearly two years ago."

This reminds the Norfolk Ledger-Dispatch of the case of Thomas H. Cluverius, who was hanged in Richmond some 50 years ago for the murder of Fannie Lillian Madison. One of Cluverius' lawyers, says the Norfolk paper, remarked after the execution of his client: "He was the hardest man to defend I have ever defended. Why? Because he would not tell even his own lawyers the truth."

Cluverius steadfastly refused to confess his guilt, even to the end, and this caused many to believe he was innocent. A prominent minister of the time, the late Dr. William E. Hatcher, pastor of Grace Street Baptist church, Richmond, saw much of the accused during the trial and after his conviction. Dr. Hatcher was with the condemned man for sometime on the morning of the hanging and it was thought Cluverius would make a statement verbally to the minister, or leave a written message with him, affirming his innocence or confessing his guilt. But he did not do so. The minister later said that Cluverius never by the slightest word or act indicated either his innocence or his guilt while with him.

The Petersburg Progress-Index in this connection recalls still another case famous in Virginia crime annals; that of the Charlottesville mayor, McCue, who was executed some 20 years ago for the murder of his wife. The writer of the article in the Petersburg paper says the following, in substance, was related to him by the late Jack Lee, of Lynchburg, who in his day was one of the Old Dominion's best criminal lawyers.

Lee was McCue's leading counsel. One morning in the Charlottesville jail just before the day's session of court opened and while the two were seated at a table in conference, McCue said: "Of course, you know I am guilty."

"I know nothing of the kind!" said Lee, pushing back his chair and springing to his feet. "I suspected you were guilty, but I did not know it. Now I am through with the case. You must get another lawyer."

"McCue was thrown into a highly emotional state as a result of Lee's declaration that he would retire from the case," says the Progress-Index writer. "The accused man besought Lee not to take a step which would be certain to have a most damaging effect upon the jury. Lee was obdurate for a time, but finally submitted all the facts to three of the best known members of the Charlottesville bar and asked them to advise him as to the proper course."

The decision was that Lee's retirement at such a juncture would be unfair to the accused, and that counsel should proceed with the case, doing the best he could under the circumstances. This the lawyer did; but, says the Progress-Index writer, "It was noted by those who knew Mr. Lee that he did not do himself justice in the McCue case."

We have heard more than one good lawyer say he would not defend a man knowing him to be guilty. We have heard others say, in effect, "If a man comes asking me to defend him I tell him the first thing, 'If you are guilty don't tell me—I don't want to know it if I am going to take your case.'" In fact there are some lawyers who say it is nothing more nor less than perjury for a lawyer to defend a man knowing full well that the accused is depending on false testimony to free himself of charges. And there are still other lawyers who declare it is the business of the lawyer to defend the guilty, even though he may have evidence of guilt, the same as it is to prosecute if retained and employed to do so.

Well, there are ways and ways of looking at any question, just as there are lawyers and lawyers.

JURY ISSUE IS RAISED BY DEFENSE

Journal and Guide

After Year In Jail, Accused Man Goes Free; 'Am I Glad!'

12-23-33

SPECTATORS APPLAUD

Norfolk, Va.

Defendant Charged With Murder Of White Detective

By JOHN JORDAN
Portsmouth Bureau

The Negro jury question leaped out as a surprise issue during a preliminary argument to the fourth sensational trial of John Askew of Maple Shade, who was found not guilty Tuesday night after an all-day trial of fatally wounding Joseph Drake, white, special officer of the Seaboard Airline Railway, on Monday, September 19, 1932, by a jury in the Portsmouth Hustings Court.

As the initial step in the legal battle to free Askew, Ernest Merrill and George Walker, of Portsmouth, who were assigned by the local chapters of the National Association for the Advancement of Colored people and the International Labor Defense to assist Robert Powers, white, local attorney, in Askew's defense, startled the crowded courtroom by making a motion that the trial jury venire be quashed on grounds that the jury list did not contain the names of Negroes and that they had been "maliciously and systematically" excluded. Mr. Walker read the formal motion to the court.

Proceeds With Proof

"And I shall now attempt to prove that," said Mr. Merrill, as he immediately ordered Askew to the stand. Visiting attorneys in the court gasped at the procedure while the numerous spectators of both races sat electrified.

Atty. Merrill then methodically asked the defendant's place of birth, which was given as South Carolina. 12-23-33

"Were your parents white or colored?" he asked.

"Colored," replied Askew, as the audience snickered.

No Negroes Recalled

R. E. Glover, city sergeant, was then called to the stand and testified, after interrogation, that he did not recall any Negro having served on a state petit or grand jury during the 24 years he has held that office.

James G. Tolbert, deputy sergeant of the Hustings Court, also testified that he did not recall that any Negro served on a jury of that court during his fifteen years in office.

Charles H. Meyers, white, one of the Portsmouth jury commissioners appointed in January, declared that the jury panel was selected from the city directory and that the "sole reason" why Negro names were not included was "because it had not been the custom of the court."

Jury Commissioners Heard

The other jury commissioner, P. A. Sorrels, white, testified that the names of Negro citizens were not included in the panel "because we were not instructed to put any there."

In further explaining his motion, Mr. Merrill said that "there is nothing personal in making the motion, but as the counsel for the defense, I feel that it is my duty to see that he gets the full benefits of his constitutional rights during this trial."

He then cited Judge McLemore's decision overruling a similar motion during the Crawford trial and Judge C. W. Coleman's decision overruling the same motion made during the Russell Gordon trial in the Norfolk County Court in September:

Judge's Decision

In delivering his opinion, Judge K. A. Bain, presiding, said: "There were no instructions given to the jury commissioners in regards to this matter. They are merely requested to read the statute governing the duties of their office. And so, in the absence of proof that the jury selection is not fair and impartial we must assume that it is fair and impartial. However, I should like to have that question settled, preferably by the Virginia Supreme Court of Appeals."

The defense noted an exception to the ruling.

After listening to lengthy and technical rebuttal arguments from Attorneys Powers, Walker and Merrill and Commonwealth's Attorney R. A. Albertson for more than three hours, the jury retired at 7:15 p. m. for deliberation, returning with a not guilty verdict at 9:40 p. m.

Popular Verdict

The verdict proved extremely popular with both white and colored members of the audience who remained, offering a strict contrast to the usual behavior which characterizes similar verdicts in cases of that sort in some Southern states.

Askew Identified

As the actual trial got under way, James Briggs, of Morton Street, who admitted on the stand that he was a bootlegger, and who was a star witness for the state, was positive in his identification of Askew as the man who did the shooting.

As in the three previous trials and in the Police Court hearing, Briggs declared that while he was in the vicinity of the shooting watching some liquor he had hid, and in the company of Florence Knight, also of the Taylorsville section, two men passed them going south down the railroad tracks.

Drake ordered them off the tracks and they "walked off stubbornly."

Later one of the men came back and as Drake and Briggs conversed, the man snatched Drake around and ordered the white man to "stick 'em up'.". After commanding the intruder not to shoot, Briggs said he ran and as he did he heard the report of a gun "two or three times." The man whom Briggs swore was Askew ran south down the tracks. He was described as being of dark complexion and wearing striped overalls, a faded blue shirt, and a gray cap.

Through this damaging testimony Askew, his face grim and emotionless gazed wearily at the shifty-eyed Briggs.

Briggs testified further that he next saw Askew the following November while the latter was talking to a woman near the corner of Hamilton Avenue and County Street and that he immediately informed the police. He later identified Askew in a line-up at the city jail.

New State Witness

A new witness for the state, J. P. Quillian, white, a brakeman testified that, while shifting some boxcars on the morning in question, he saw Drake and Briggs standing on the tracks. He later heard pistol shots and saw Drake standing while Briggs was running north on the tracks and another man was running in a southerly direction. He testified further that Drake told him just after the shooting that Briggs did not do it.

Peter Watley, Lincoln Park, testified that he heard a shot or shots

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Appearing as an important state witness, J. E. Parks, officer of the Henderson, N. C. police department, testified that he took Askew into custody as the latter was leaving a freight train in that town on the night of September 19, 1932, at about 4:30 a. m. but that he escaped from a car and disappeared.

Flaws In Testimony

Parks later identified Askew at the Portsmouth jail. Several flaws were found in his testimony through cross-examination by defense attorneys.

Appearing for the fourth time as the central defense witness, J. T. Betteres, white, a labor contractor of Edenton, N. C,, declared that Askew was in his employ during the week of September 19, 1932, and that they were on a road job in Kitty Hawk, N. C., where transportation facilities were extremely limited, having no railroad connections at all.

In his questioning, Atty. Powers pointed out that it was just short of impossible for Askew to leave his job, come to Portsmouth, commit the murder and return to Kitty Hawk without even being missed.

Payroll Sheets Exhibited

Payroll sheets kept by Mr. Betteres, which were dated for the week which included the day of the Drake shooting, all contained Askew's name. Several other similar records which bore like evidence were introduced in the accused man's defense.

Mr. Betteres declared that Askew and Kelly Harrell, of Suffolk, were employed by him on Friday, September 16, 1932, and continued in his employ until November 3. The slaying occurred September 19.

Askew, testifying in his own behalf, told the court in some detail of his actions during the fall of 1932, declaring that he was in Kitty Hawk, N. C., on the day of the murder. He swore that he had never seen James Briggs before he was brought to the city jail in November of 1932 "to identify me."

Askew On Stand

He was emphatic in his denial of being in Henderson on the night of September 19. "How could I have been in Henderson at that time when I was working in Kitty Hawk about 200 miles away?"

Askew further insisted that he never owned striped overalls and a "faded blue shirt" and, what was more, never wore a mustache. The slayer was said to have had a mustache by Briggs.

He declared that he was arrested on November 18, 1932, and did not even know with what he was charged until he "read it in the paper two or three weeks later."

Tells of Identification

In describing how he was picked from the line-up by Briggs as the man who did the shooting, Askew said that as Briggs ascended the the stairs he remarked, "I see you have a couple of new fellows in line this time." One of the "new fellows" was Askew. Briggs named him as Drake's slayer.

The stern-featured jury seemed keenly interested as Atty. Merrill further questioned the defendant.

"Did you know Mr. Drake?"

"No, I never knew him."

"Did you have any intention of harming Mr. Drake?"

"No. Mr. Drake nor anyone else."

Much Sought Witness Found

Kelly Harrell, a much-sought witness for the defense, who was located by the Journal and Guide Monday, told the court that he accompanied Askew into Kitty Hawk where both were given work by Mr. Betteres on September 16, 1932. He further testified that he saw Askew there on the day of the shooting. "I ought to know. He worked right beside me," he testified.

Mrs. Eva Ballard, 2900 County St., testified that while working in her garden on County Street, from which she could see the railroad tracks, she heard shots from that vicinity. "Presently a man came running from that direction with a pistol in his hand. He was a fat man with a shaggy mustache, who shook all across the hips as he ran. He was wearing blue striped overalls, and a blue shirt. It was not John Askew."

Saw Man; Not Askew

Numerous other witnesses who have known Askew for many years testified that he never wore a mustache nor had they seen him wearing striped overalls.

When the jury returned the not guilty verdict, the weary crowd, which for the most part had remained in the courtroom since the trial opened that morning, loudly applauded the jurors until City Sergeant Glover threatened to "lock some of you up if you don't stop that noise in court."

Jury Praised

Atty. Powers commended the jury's action, stating. "They were twelve intelligent and thinking men. It was the best jury I have ever had the pleasure of working with."

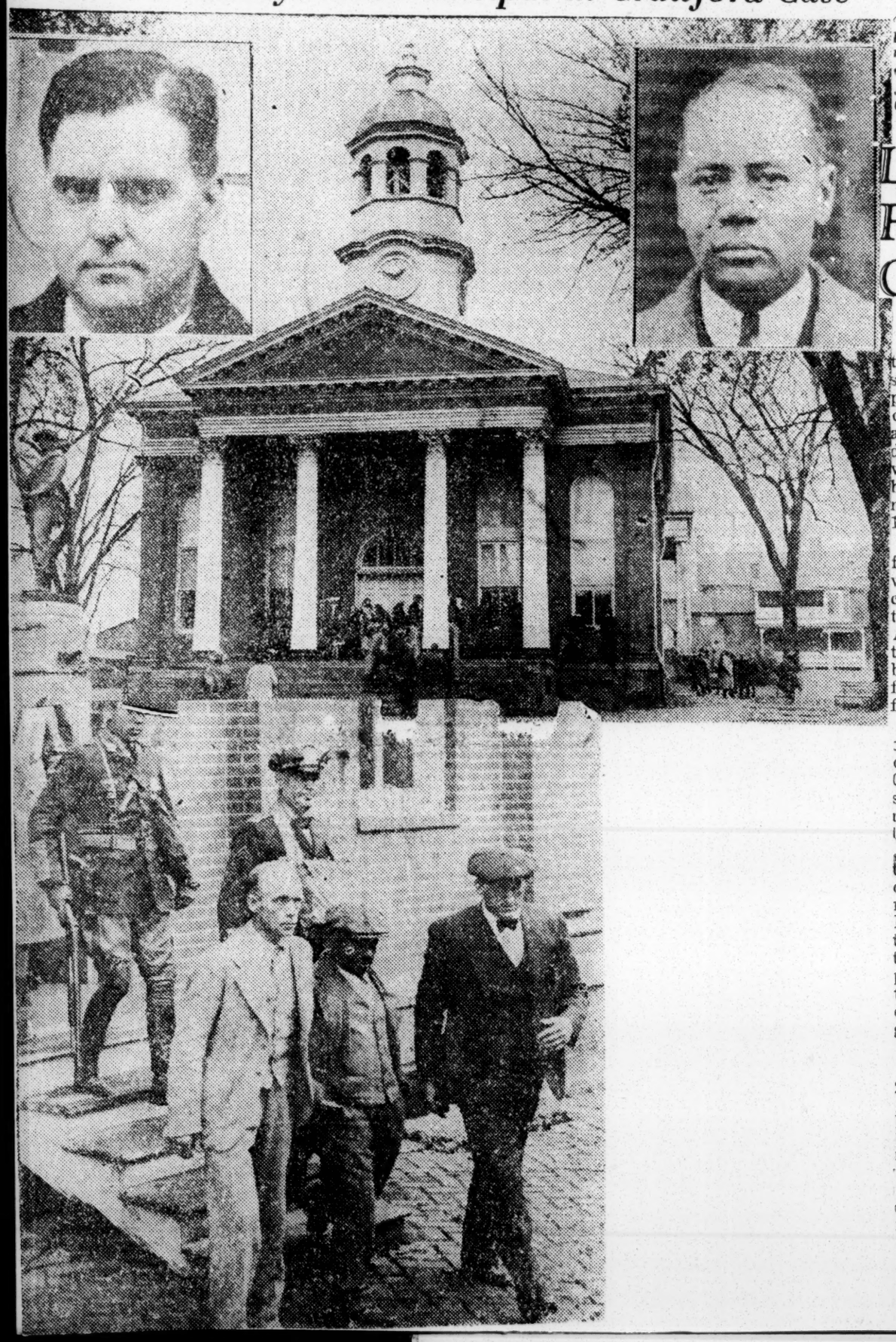
"You bet your life I am glad to be free again," replied Askew to an obvious question.

"I have been in jail over a year for something I knew nothing of. Briggs lied: he would lie on anybody."

Killings-1933 I

Virginia

Scene, Attorneys and Principal in Crawford Case



—Staff Photos.

At top is shown the Loudoun County Courthouse at Leesburg with a part of the crowd that gathered there yesterday for a hearing on the motion to quash the murder indictment against George Crawford, accused of murder. In left inset is shown Commonwealth's Attorney John H. Galleher, and at right, Charles Houston, Negro attorney for Crawford. Below, Crawford is shown being escorted from the court house by a heavy guard.

—Courtesy Times-Dispatch.

Leesburg's Best Foot Is Put Forward For Hearing In Crawford Case This Week

By THOMAS W. YOUNG
of the Journal and Guide Staff

LEESBURG, Va. — Steeped in the traditions, the lore, and the spirit of the old South, Leesburg put its best foot forward in the commonwealth's initial step to avenge by legal process the murder of Mrs. Agnes Boeing Ilsley, wealthy white sportswoman, and her white maid, Mrs. Nina Buckner, at Middleburg in January 1931.

George Crawford, former chauffeur for the deceased society woman, has been indicted for the crime. The defense, conducted by the National Association for the Advancement of Colored People through a battery of some of the best legal talent of which Crawford's race can boast, asks only a fair trial.

And Virginia, from its highest official down to the deputy clerk of the Loudoun Connty Circuit Court, here has promised that no substantial right of the accused man shall be violated. Thus far there has been no serious miscue in the studied procedure by which the Old Dominion intends to vindicate her name from the indictment of Federal Judge James Lowell in Boston, who concluded that Crawford could not get a fair trial in Virginia and granted his plea for a writ of habeas corpus thereby temporarily voiding an order for his extradition to Virginia.

Pledges Orderly Trial

"I have your letter of October 23 asking me as Governor of Virginia," wrote John Garland Pollard, chief executive of the Old Dominion. "to see that every possible precaution is taken to prevent any form of mob violence upon the return of George Crawford to Virginia for trial on charge of murder.

"I shall do my best," the the governor added in his reply to the NAACP, "to see that the law and order are maintained."

That mandate echoed down the chambers of Virginia's law administration organization, and, to the most minute clog, the machinery churned smoothly and with decorum.

Misgivings And Doubts

But your correspondent came upon the scene with misgivings and doubts. His journey from Washington was begun on the Lee Highway, presumably named for that Confederate general who might have a niche among the world's immortals had the cause for which he fought not been the continued enslavement of millions of black souls. A little way along, the Robert E. Lee School looks out upon the highway. I twas for which children only, and they were brought there from the countryside by a bus operated upon public funds.

All along the road little colored tots walked through a drizzling rain, impervious of the hazards of speeding automobiles, to their little wooden schoolhouse behind the woods.

Fog and Rain

Just outside of Leesburg a convict road gang swung pick and shovel while armed guards stood vigil upon a nearby embankment. They were all white.

In Leesburg the gloomy fog had lifted but the rain beat down angrily. Had the day been fair a shadow might have fallen across the town at sunrise. It would have been the shadow of the Washington Monument, 35 miles south of east, reared to the memory of the Father of his Country who also held slaves.

Seven snowy white roadstesr of the State Police were in town. One of them brought George Crawford from the Alexandria jail, where he had been lodged for safety—to the surprise even of his counsel, who had stipulated of record his waiver of presence.

General Waller in Command

Adjutant General Gardner W. Waller of the State Police came also from Richmond as personal representative of the governor to command the commonwealth's armed protectors. He was accompanied by

ptain T. K. Sexton, superintendent State Police, and Lieutenant W. Thomas.

Handsomely uniformed officers stood around with sawed-off shot guns, gas masks, tear gas rifles, and machine guns. Scattered among the spectators and standing in a little balcony seating 25 or 30 people were plainclothes men, immobile, but primed to spring into action at the first indication of disorder.

Reporter Treated Courteously

Unanticipated consideration and courtesy were found in the court clerk's office—an awkward brick structure that has withstood the elements since the early '80's. Of course arrangements would be made for reporters. Did they know of a good colored family where one could get a room and something to eat?

"Certainly. There's Lizzie Walker. She takes boarders and lodgers."

Mrs. Lizzie Walker did accommodate the wayfarer in her little, but neat, home. There Walter White, secretary of the N. A. A. C. P.; Charles H. Houston, acting dean of the Howard Law School, and chief defense counsel; his father and mother, Mr. and Mrs. W. L. Houston, who came down to see "their boy" make history; an uncle, Theophilus Houston; associate counsel, Edward P. Lovette, Andrew Ransome, and James G. Tyson; other reporters, Louis Lautier, Journal and Guide Washington correspondent; Ralph Matthews, of Baltimore; and Mrs. Osceola Adams, of Washington; and a 1932 Howard law school product, J. Byron Hopkins, who in a similar case recently was responsible for the calling of Negroes to jury service in Alexandria, Va., where he is practicing law—there the whole crew of "strange colored people" whom natives stared at found rest and sustenance.

Leesburg In Raw

Skip the all-day hearing in court for the moment, if you will, and catch Leesburg in the raw. Night has fallen and an epic procedure has left the town aghast. Crowds of rough, unkempt natives gather on the street corners and in stores. Everywhere they are discussing the Crawford case.

Come up easily behind them and you hear lots of "nigger this" and "nigger that." But let your presence be discovered and a hush envelopes them.

The colored people are not talking about this case to anyone. They never know but what they say may be used against them. Of Loudoun County's 19,852 inhabitants, only 4,347 are Negroes. They are not even discussing the case among themselves.

But this much is evident. They don't think Crawford committed the murder. Some of the white people here don't think so either, but they continue trying to believe it—to keep up appearances.

A Significant Fact

From a nondescript white man on the street we learn that Middleburg, scene of the killing, is only 18 miles away, that it is the center of autumn activity for a considerable number of wealthy northern whites, that riding and hors[illegible] are the main interests over there, and that the common people of "the plains" know little or nothing of the lives of those aristocrats. Thereby hinges one of the most significant facts in the entire affair.

Up in the jaded hills—their palatial mansions hidden from casual passers by thick clusters of trees—the rich live their own lives in their own way. Up there in those jaded hills, Crawford was taken from a convict road gang and given work on the Illsley estate. Someone gave him the money to run away with another man's wife.

Discovery of Crime

One morning Mrs. Illsey's brother who lived in the "big house" and took his meals in the "cottage" where his sister and her maid lived, discovered the bodies of the two women in their cottage, mutilated with a boot horn—an implement for removing riding boots which are worn by aristocratic sportsmen. The physician who examined the bodies concluded that the maid was first killed

Negro Loses Fight To Quash Murder Charge

LEESBURG, VA., Nov. 7.—(AP)—Preparations for the murder trial of George Crawford, negro, in Circuit Court here Dec. 12 were started promptly today by State and defense counsel following the overruling by the court of motion to quash the indictment.

Judge James L. McLemore, of Suffolk, refused to grant the motion on the grounds that no evidence was produced in the hearing yesterday that Judge J. R. H. Alexander of Leesburg has excluded negroes from the Grand Jury that indicted Crawford because of race or color.

Negro Seeking To Quash Murder Charge Because Of Racial Discrimination

LEESBURG, VA., Nov. 6.—(AP)—Judge James L. McLemore today deferred until tomorrow his decision on a motion to quash an indictment charging George Crawford, negro, with the slaying of two women at Middleburg, Va., after counsel for the defense and State had completed argument.

Dr. Charles Houston, negro attorney for Crawford, in summing up his argument, charged that Judge J. R. H. Alexander, of the Circuit Court, had discriminated against negroes by not placing them on grand jury lists because of their race and color.

Commonwealth Atty. John Galleher, in urging the court to sustain the indictment returned in February, 1932, declared the defendant had failed to show that Judge Alexander had discriminated against negroes because of race or color.

Crawford is charged with the slaying of Mrs. Agnes Boeing Isley, prominent society woman, and her maid, Mrs. Nina Buckner, at the former's estate at Middleburg, January 13. 1932.

RICHMOND, VA
NEWS LEADER

NOV 1 1933

FOR VIRGINIA'S ON TRIAL, TOO.

The regrettable hitch over the admission of associate counsel to GEORGE CRAWFORD'S cell will, we are sure, be relieved at once.

Loudoun people are almost the most intelligent in Virginia. They know that the National Association for the Advancement of Colored People has succeeded in focusing the eyes of millions on the circuit court of their county. Neither by what they do nor by what they leave undone will they let Virginia justice be discredited or even come under suspicion of partiality or prejudice.

Judge ALEXANDER has acted with proper caution in disqualifying himself from consideration of the motion to quash the indictment against CRAWFORD on the ground that the consistent failure to summon Negroes on the grand jury in Loudoun is a violation of the fourteenth amendment. The judge will be called as a witness, and he will not assume to pass judgment on his own testimony. In his place, the governor has designated Judge MCLEMORE, a member of the former special court of appeals, and one of the ablest and most experienced of Virginia jurists.

This is indicative of the spirit with which the commonwealth intends to try the case, and, we are sure, conforms, also, to the sentiment of Loudoun people. The case presents more than an obligation to do justice; it presents an opportunity to advertise that fact to those who in some instances have had only too good reason to doubt the fairness of Southern juries. Every Virginian must be determined that when the case is ended, nobody, North or South, white or Negro, shall say that CRAWFORD has not had absolute justice.

Judge Admits Jury Chosen From Friends

Prosecution Witnesses Wilt Under Houston's Terrific Onslaught

Troops Guard Prisoner

Twelve Negroes Prove Qualifications for Grand Jury Service

Crawford Trial Set For December 13

LEESBURG, Va., Nov. 7.—Judge James L. McLemore sitting as Judge in the Loudon County Circuit court today denied the motion of attorneys for George Crawford to quash the indictment charging him with the murder of two white women January 13, 1932. Judge Lemore in commenting on the evidence presented by the defense said that he believed that Judge J. R. L. Alexander, who presided at the session of the court at which Crawford was indicted, did not exclude Negroes from the jury on account of their race or color.

"I feel that I must overrule the motion to quash the indictment," said Judge McLemore after a short review of the evidence. "It is not up to me to say what the future course of the State will be as the result of agitation incident to this case. I have no doubt it will do justice to all parties and all races." The defense noted an exception.

Crawford was arraigned and pleaded "Not guilty". The case was set for trial December 12, 1933.

By ROSCOE C. MITCHELL

LEESBURG, Va., Nov. 6—In the crowded courtroom of the Circuit Court of Loudon County, the brilliance, erudition and astuteness that white men have learned to worship, arose to plague them in the stately frame of Attorney Charles E. Houston, charged with the defense of George Crawford, of Middleburg, accused of murdering two white women. Crawford, who according to general practice should be the central figure in this trial sat immoble and unnoticed during a day charged with drama, while this great lawyer who masters the degree of Doctor of Juridicia Law from Harvard University and the University of Madrid, craftily constituted himself as the spearhead of the American Negro's attack upon race discrimination as evidenced in the States of the South, which is so apparent in the selection of grand and petit juries by the Courts charged with the administration of justice.

Judge Alexander Put on the Defensive

Attorney Houston eliminated Crawford as the figure of defense and substituted Judge J. R. Alexander, who administers the Loudon County Circuit Court, as the party placed on the defensive. When Mr. Houston called the judge to the stand as an adverse witness to tell and explain the method of his selection of grand juries, the courtroom was very tense with an abated excitement. The judge practically admitted that he chose the grand jurors from among his friends and this was pointed out as being responsible for the non-appearance of Negro jurors in his court as he held no Negro friends, according to his further admission.

Troops Guard Prisoner

Crawford made his appearance in the court in a surprise move made by the prosecution, which had previously indicated that Crawford's presence was not necessary. He was completely surrounded by members of the State police, whose armed presence and determined looks were sufficient to deter any manifestations of disorder on the part of any over-zealous citizens who may have decided that Crawford was guilty and should be put to death. These troopers led by Sergeant T. K. Sexton were armed with shot guns, a wicked looking gas gun, that could spray deadly gas in the face of a mob, and each man carried a gas mask and a supply of hand gas grenades in addition to the regular equipment. Brigadier eGneral Waller, head of the National Guard of Virginia was present, it was stated, as personal representative of the Governor of Virginia.

Judge McLemore Opens Court

Promptly at 10 o'clock this morning Judge James L. McLemore, of Suffolk ascended to the bench and immediately the bailiff had announced His Honor's presence and the opening of the court case got under way.

"The State against Crawford!" tersely announced Judge McLemore.

Attorney Houston arose and after preliminaries incident to qualifying Attorney Edward P. Lovett, of the Washington Bar and himself, he proceeded to make his statement of his case. It should be noted here that this is the first case on record in this court where colored attorneys have appeared at counsel table. Other prominent attorneys who asisted Attorney Houston, in addition to Attorney Lovett, were: Leon A. Ransome, James D. Tyson, J. Byron Hopkins, Jr All of the defense counsel were colored. Commonwealth's Attorney John H. Galleher and Frank M. Wray, Commonwealth's Attorney of Clarke County.

Court Room Scene

As the court opened Crawford was brought in and placed directly behind Attorney Houston. Crawford, contrary to the general opinion of those who had not seen him, was light brown-skinned rather stumpy, and presented a dwarfed appearance. His arms are exceedingly short, just reaching to his hips, his legs are too short—almost to the point of real deformity. He was nattily dressed in a gray suit, gray tie and black low-quarters. As he was brought into the court he showed signs of fear and a face drooping and drawn by his long wait in the jails for trial.

The Defense Opens

"This comes before Your Honor," Attorney Houston began, "on a motion to quash and a plea in abatement. The evidence in both motions is the same and I hope it will please the Court to grant us the desired relief. We contend that there are qualified Negroes in Loudon County capable of serving on the grand juries and that in the selection of grand jurors to hear the Crawford indictment these Negroes were excluded solely on account of their race and color". This violates the "due process" guaranteed Crawford under the Constitution of the United States. Commonwealth's Attorney Galleher in his

Killings - 1933

Virginia.

DENIES THAT QUESTION OF COLOR AROSE

Court Overrules Pleas of Defense to Quash Indictment

TRIAL SET FOR DEC. 12

Exclusion of Negroes From Jury Held Not Discrimination

By THOMAS W. YOUNG
Of The Journal and Guide Staff

LEESBURG, Va. — George Crawford will go on trial here on December 12 in Circuit Court for murder under indictments found against him in February, 1932, by a Loudoun County grand jury, as a result of the ruling of Judge James L. McLemore denying his motion to quash the indictment and his plea in abatement.

Crawford's motion and plea were filed on the ground that Negroes were excluded from jury service in the county, solely because of their race and color, and that there were, and are, Negroes in Loudoun County qualified for such service.

Historic Decision

Judge McLemore's decision, delivered orally Tuesday morning in the Circuit Court room, was announced at 11:39 a. m. before four hundred spectators. Its significance will be felt throughout the South as the battle for equality before the law for all races and classes wages relentlessly on.

The ruling followed an all-day hearing Monday in which Charles H. Houston, acting dean of the Howard Law School, chief of counsel retained by the N. A. A. C. P. to test the legality of Virginia's system of jury selection, presented evidence and made an eloquent and admirably dignified argument in support of his charges.

Assisting Mr. Houston were Edward P. Lovette of the District of Columbia Bar, Leon A. Ransome of the Ohio bar, and James G. Tyson of the District of Columbia bar. Crawford's advocacy was solely upon the shoulders of Mr. Houston.

Crawford Pleads Not Guilty

Following rendition of Judge McLemore's decision, Commonweath's Attorney John Galleher for Loudoun County, who conducted the prosecution, assisted by Frank M. Wray, Clark County Commonwealth's Attorney, requested Crawford's arraignment.

Unemotional and with grimmien, the defendant stood beside Mr. Houston, who towered above Crawford's bare five feet like a giant. To each of the common law or "long form" indictments read to him by Clerk E. O. Russell Crawford answered firmly and audibly "Not guilty!"

The first indictment described and charged him with the murder of Miss Nina Buckner, white maid of Mrs. Agnes Boeing Isley, also white, at Middleburg on January 13, 1931. The second alleged the murder of Mrs. [illegible]. The Suffolk jurist, appointed by Governor Pollard when Judge J. R. H. Alexander disqualified himself, will also be on the bench during the trial beginning December 12.

Main Point At Issue

The whole issue turned on one point alone: whether Judge J. R. H. Alexander of the Loudoun County Circuit Court excluded Negroes from the grand jury which indicted Crawford solely because of their race or color?

On this point Judge Alexander himself was the principal witness. His denial that he entertained any considerations of race or color, or that he discriminated against Negroes in selecting the grand jury, was accepted by the court as established proof, unanswered by any acceptable evidence to the contrary.

The crucial fact was one on which Judge Alexander alone could give direct evidence, for its finding involved a probe into his mind which only he himself could make. Whether the chain of inevitably circumstantial—but strong—evidence on which defense counsel had to rely is a satisfactory answer to the jurist's denial is a question which the Supreme Court of the United States will be asked to answer eventually.

Notes Exception to Ruling

For Mr. Houston immediately noted exceptions to the rulings and made known his intention of carrying the issue to the highest court in the land unless he Court of Appeals of Virginia in the meantime reverses Judge Alexander.

On this issue, deemed by spokesmen for the NAACP to be the most vital question involving Negroes rights today, the association backing Crawford's defense is prepared for a fight-to-the-finish; and its counsel will exhaust every means of legal redress before they accept Tuesday's ruling which, in effect, forever bars the Negro from his right to sit upon juries as long as administrators of the law disavow charges of discrimination.

To fully appreciate the import of Judge McLemore's ruling, one must bear in mind that certain issues vital to Crawford's case have been settled.

Issues Already Setled

1. The law on the question is not in doubt. An indictment found against a Negro by a grand jury from which Negroes are excluded solely because of their race and color is illegal, and thereby void. The highest tribunal in the land has so ruled; the doctrine has been reiterated by numerous state courts of last resort; and Judge McLemore himself acknowledge such to be the law, unquestioned by any reasonable jurist or lawyer.

2. Negroes have been excluded from grand and petit juries in Loudoun County for a great number of years, a period that runs beyond the memory of any witness produced by either side. Court records were introduced, and witnesses testified to this fact.

3. There were and are in Loudoun County Negroes qualified for jury service. Mr. Houston presented 13 respectable, honest, law abiding, intelligent colored men from the county, and by stipulation had included in the record the names of 37, in all, who equaled the test met by those 13. Moreover, Judge McLemore, in rendering his decision, stated:

"I am satisfied that there are some colored persons in this county competent to serve on the grand jury. How many, I don't know. I have no idea."

The Crucial Point

The only point remaining to complete Crawford's proof was the fact that Negroes had been excluded solely because of their race and color.

Mr. Houston argued that the mere act that members of the Negro race had been consistently left off jury lists for a long number of years made out a prima facie case which the Commonwealth had to rebut. He cited the case of Neal vs. Delaware decided by the U. S. Supreme Court nearly fifty years ago.

Defense Contention

If this would not be conceded by the court, Mr. Houston argued, then the fact that during the four years Judge Alexander had sat upon the bench, 34 white men had been called twice, and six of them three times, proved that was moving in an "inner circle" composed solely of social acquaintances, and that by virtue of social conditions amounting virtually to a caste system, there was no opening left for the inclusion of Negroes. Hence their exclusion, although perhaps unconscious, was a real discrimination.

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Prosecution Collapses

After recess the Commonwealth began its case, only to be shot to pieces by the fiery attack upon the witness by Attorney Houston. It happened this way. H. C. Rodgers, a member of the board of supervisors of the county was called to testify that the calibre of the colored men advanced as qualified for jury service was inferior to the white men who served on the Crawford jury. The attack of Attorney Houston on this witness and the prosecution in general should go down in legal history with as intense a brilliance as the victory of Peary on Lake Erie. After much insistence on this point that this testimony should be stricken from the record, Judge McLemore ruled out the evidence.

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"I don't think they compare favorably with the white man who qualified to serve on juries," he said.

"How many of these white men do you visit socially?" Attorney Houston countered.

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Houston Begins his Presentation

Attorney Houston introduced certified census records relating to the population of Loudon County. This showed 15,502 white residents and 4,347 colored. Virginia's population was stated as being 1,770,405 whites and 650,165 colored. This was introduced to show the proportion of the two types of population and the Commonwealth moved to block the introduction of the exhibit. Attorney Houston defended its introduction and Judge McLemore, as he did at the conclusion of five legal tilts between Attorneys Houston and Galleher, sustained the colored attorney. This evidence was admitted.

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White Jurors Examined

Three white members of the grand jury which indicted Crawford were called to the stand. They were: M. E. B[illegible] who completed the fifth grade in school; George W. Lacox, who did not know how far he went in school, but said he was there fourteen years; and W. M. Hall, who did not respond. This was done to prove that there were colored men of equal qualifications to serve on the juries. The fololwing colored citizens were called and testified as to their qualifications for jury service in accordance with the statutory requirements:

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Killings - 1933

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BOSTON, MASS.
TRANSCRIPT

NOV 6 1933

WHO LAUGHS LAST

[From the Pittsburgh Courier]

Southern white newspapers are jubilant over the refusal of the United States Supreme Court to uphold the decision of Federal Judge James A. Lowell of Boston in the extradition case of George Crawford, luckless Negro lad falsely accused of the murder of a wealthy white woman in Virginia.

Crying with the pack is the usually liberal Montgomery (Ala.) Advertiser which holds that this decision proves Judge Lowell was wrong because he "wished to protest against what he believes to be an evil," i. e., the failure of Virginia and the rest of Dixie to call Negroes for jury service.

"His honor, the judge, of course, had no more right to bring the State of Virginia or its courts to trial than he had to pass judgment on Mrs. O'Leary's cow," says the Advertiser.

Actually, what Judge Lowell contended was: "Why send this Negro back to Virginia when I know and everyone knows that the Supreme Court will say the trial is illegal?" The judge has yet to be proved wrong. Leading constitutional lawyers also hold that unless Loudoun county, Virginia, can show prior to the trial of Crawford that it has called Negroes for service on the grand jury, the Supreme Court will hold the trial illegal.

Judge Lowell may have been wrong in his decision, but it has certainly made the South sit up and take notice. For the first time since the Southern Negroes were disfranchised and eliminated from the political picture, Southern white folks have been forced by Lowell's decision to consider calling Negroes for jury service and in some instances have actually done so. If the practice does not become general, the entire system of law enforcement so laboriously and cunningly erected in Dixie will collapse.

In brief, the South today is confronted with the dilemma to (a) either recognize the citizenship of Negroes and call them for jury service, or (b) refuse to call Negroes for jury service and have the Supreme Court declare every trial and conviction of a Negro illegal because of it.

It looks like the last laugh is not going to be on the Negro, as the Dixie press presently thinks, but on the unreconstructed South. Judge Lowell's great service to humanity is that his decision sounded the death knell of a pernicious system of jim-crow legalism.

The Crawford Case "Run Around"

The Crawford case at Leesburg, Virginia last week, gave us a chance to see cavalier Virginia judicial shenanigans at their best.

First, Judge Alexander, who picks grand juries in Loudoun County, testified on oath that he had never seen or heard of a Negro on a Loudoun County jury. Then he admitted that it was a long-established custom to use white men exclusively for jury service and that he personally had never considered selecting a Negro for jury duty.

Having listened to this plain testimony of a brother jurist, Judge James L. McLemore, presiding in the Crawford case on a petition to quash the indictment, blandly ruled that the lily-white jury was legal.

Says *McLemore*, Judge Alexander did not *exclude* Negroes; he never *considered* them.

If that isn't a legal run-around, there never was one.

Early in the trial, Commonwealth Attorney John Galleher blatantly asserted that no Negroes in the county were qualified for jury duty.

Charles H. Houston, attorney for Crawford, produced fourteen colored witnesses who he contended were qualified for jurors. He submitted the names of eighty others and threatened to subpoena four hundred additional colored persons unless the state admitted that Negroes in Loudoun County were qualified to serve as grand jurors.

Robbed of that as a defense, the state had no alternative except the "run-around" noted above which we submit to be the height of something or other, even for Virginia.

HOUSTON THINKS CRAWFORD WILL GET FAIR TRIAL

Defense Counsel Says Hearing Last Week Was "Full and Fair."

WANTS CASE AS MODEL TO SOUTH

Calls County "Calm," Despite State Troops.

WASHINGTON—While he disagrees with the ruling of Judge James L. McLemore on the motion to quash the indictment in the case of George Crawford, charged with the murder of Mrs. Agnes Boeing Ilsley and her maid, Mrs. Nina Buckner, both white, at Middleburg, Va., Charles H. Houston, chief defense counsel, declared last Friday that the hearing itself was as full and fair as could be.

He said he was a little apprehensive about Crawford at the close of the argument on the first day of the hearing, but there was not the slightest demonstration against the prisoner.

Crowd Pressed Close

"The first evening when court adjourned about dusk and a crowd of people pressed around Crawford as the troopers were carrying him from the courthouse. I felt a little concerned. But the crowd was only curious and there was not the slightest hostile demonstration," he said. "On the second day very few people paid any attention to Crawford's coming or going.

"In view of the recent atrocious lynching of George Armwood in Maryland, I must ask that Crawford's guard be continued and all vigilance exercised, but I can say that I have not seen the first hostile demonstration toward him, although I have heard one or two idle rumors of threats.

County Calm

"I was especially gratified when many of the papers reporting the proceedings of the second day, took the case off the front page. The Crawford case is just like any other trial of a man charged with murder, and the fact that the case did not make the front page the second day indicates that the county was calm and the proceedings, though hard fought, were moving in an orderly manner.

"We are going back to Leesburg December 12 determined to give Crawford every possible legal protection within our ability and power, but mindful at the same time of the obligations of our oaths as officers of the court.

"We are confident that the court and the attorneys for the Commonwealth desire that Crawford get a fair trial, and we are assuming the same thing about Loudoun County

Jury Disagreement

"The court and Commonwealth take a different view from ours on the question of the omission to consider colored persons for jury service, but that different of opinion will not be permitted to embitter the trial. We will settle the jury question in an orderly fashion in the appellate court."

Mr. Houston said the case would lose all its significance to him if there were a change of venue. "The fact that Crawford might get a fair trial in some other county in Virginia would not mean anything," he stated, "but that he could get a fair trial in Loudoun County would demonstrate to the world that there are places in the South where a colored man can get a fair trial, no matter with what crime he is charged."

Wants It as Model

He said that it is his desire that the Crawford trial be conducted on such a high plane that it will serve as a model for future cases involving racial antagonisms. He added that Loudoun County and Virginia justice were just as much on trial as Crawford. He declared that as far as he was concerned the case was going to stay in Loudoun County since the crime had been committed there.

He stated that he regretted the condition which necessitated the presence of a large body of state troopers at the hearing, even though they kept out of the court room, because it gave him "the feeling of being interned."

Hopes for New Day

He said it is his hope that the Crawford case will be so conducted that the day will soon come when trials in the South will be conducted with the same absence of a show of force when a colored man is before the bar as when a white man is being tried.

The Crawford Case Decision

JUDGE JAMES L. MCLEMORE'S ruling last week at Leesburg denying GEORGE CRAWFORD'S motion to quash the indictment against him for the murder of two white women will stimulate, rather than abate, efforts to secure full equality before the bar of justice for all peoples regardless of race or color.

There was in the CRAWFORD hearing, and will be in other similar cases, a great principle involved. It must be borne in mind that the great legal battle waged by counsel employed by the National Association for the Advancement of Colored People loses none of its righteousness when the ultimate guilt or innocence of CRAWFORD is proved. The vigor with which the N. A. A. C. P. has gone into this fight indicates that those familiar with the facts have an abiding faith in his innocence.

But even if CRAWFORD did murder the wealthy sportswoman and her maid, it would still be a travesty on justice should his guilt be established by legal processes which violate any substantial right that is his. The defense is not seeking to hinder or delay justice in this case, but only to secure justice.

THE ruling of Judge MCLEMORE was based largely on the testimony of Judge J. R. H. ALEXANDER of the Loudoun County Circuit Court whose official act in selecting the grand jury which indicted CRAWFORD was being probed. As the hearing reached its final stages, it became apparent that but one fact remained in the issue: Whether or not Judge ALEXANDER in failing to include Negroes on the grand jury discriminated against them; that is, whether or not he omitted or excluded colored men solely because of their race and color?

Every Southerner knows that at least until a few months ago Negroes have been universally denied jury service in all the Southern states. The simple fact of exclusion over a long period has been held by the United States Supreme Court to make out a *prima facie* case of discrimination which the State must rebut by a satisfactory showing to the contrary.

Questioned by CHARLES H. HOUSTON, chief defense counsel, Judge ALEXANDER declared that he had selected from the poll tax list for jury service those men he *knew* to be twenty-one years of age and upwards, of honesty, intelligence, good demeanor, and suitable in all respects to serve as grand jurors. Those are the qualifications set down by Virginia law.

The poll tax list separates colored and white citizens under separate headings. But Judge ALEXANDER denied that any thought of color entered his mind when he chose the jurors. In reply to another inquiry he stated that he knew only two Negroes in Loudoun County qualified to serve. One of these was a school teacher, and therefore not available, he stated. The other was a barber and opposed to sitting on the grand jury, Judge ALEXANDER said.

The jurist conceded that there possibly were other colored men in the county qualified, but declared that he did not know them, nor had he investigated to learn who they are.

Thus the Commonwealth answered charges of discrimination against Negroes in selecting juries with a disavowal by the judge making the selection of any considerations of color in his mind at the time, and with a profession of ignorance of qualified and available colored men within his jurisdiction.

WHETHER or not that answer will in appellate courts satisfy charges of discrimination glaringly indicated by a chain of strong circumstantial evidence depends almost entirely upon the courage and integrity of higher court judges. If they acknowledge the truth as it is known throughout the nation—if they disregard mere words and give weight to actions—they will hold that Negroes have been excluded from jury service in Loudoun County solely because of their race and color; that the act of Judge ALEXANDER in selecting the grand jury which indicted CRAWFORD was unlawful, and that the indictment against him was

Killings-1933

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Virginia

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found in violation of his constitutional rights, therefore void.

But failing to establish a conscious discrimination by Judge ALEXANDER, when the case is appealed, defense counsel have saved an additional point for argument which raises a most unique issue and, as one of our contemporaries has said, goes off into the field of legal metaphysics where the lay mind is lost. If that point is sustained, the entire category of subterfuges by which Negroes are denied jury service in the South will be blasted to pieces.

As the JOURNAL AND GUIDE understands the contention it is briefly this: Where a law, unobjectionable in itself, devolves upon the judges the duty of choosing for jury service men whom they know to possess the statutory qualifications, and by virtue of their social and business habits, by virtue of a dual racial condition amounting to a caste system, those judges remain in ignorance of the qualifications of colored men in their jurisdictions, then there is nevertheless an *unconscious* discrimination amounting to violation of the constitutional rights of people living without the "inner circle" in which those judges move.

On facts before it that varied but little from those in the CRAWFORD case, the Supreme Court of Maryland in EUEL LEE'S appeal held that such a condition "left no opening for the inclusion of Negro jurors," and therefore amounted to a constitutional violation.

If MR. HOUSTON and his associates can reconcile the facts the two cases and convince one the two appellate courts from which they will seek redress that Judge ALEXANDER discriminated against Negroes, although unintentionally and unconsciously, when he selected the grand jury that indicted CRAWFORD, a great legal battle will be won. Its effects in the war which must and will be waged intelligently and vigorously in years to come for full equality for Negroes at the bar of justice, cannot conceivably be estimated.

THE CRAWFORD TRIAL

AFTER hearing that brilliant man, I can no longer hold the views I previously held about the Negro.' So said an aristocratic white woman to a newspaper man in the crowded courtroom in Leesburg, Va., where Attorney Charles H. Houston of Washington, D. C., was fighting vigorously and with great legal skill to save George Crawford from the electric chair.

In another part of the room an overalled white farmer shifted his chew of tobacco about the same time and declared that the Negro defense attorney was "certainly a smart ——!"

These comments are representative of the opinion of the white people of Loudoun County, Va., who for the first time in history had the experience of seeing Negro legal talent in action. The judge himself upon the completion of the trial declared that he had never heard a more brilliant defense.

To save a man from the death chair, and a Negro at that, in the face of so much damaging testimony against him, would have been a remarkable achievement for the most skillful white lawyers. For a Negro attorney in the South, it was little short of miraculous, particularly when two white women had been murdered and the evidence against the accused was so damning. Mr. Houston and his associates, Attorneys Edward P. Lovett, James G. Tyson and Leon A. Ransom have certainly brought added laurels to the Negro legal profession besides contributing a great deal to the betterment of race relations.

Their brilliant handling of the Crawford case in opposition to the keenest legal minds of Virginia, should do much to end the ridiculous prejudice of unthinking Negroes against employing colored lawyers. It should also help put a stop to the contention that a Negro lawyer cannot defend a Negro accused of a major crime in the courts of the South.

Abandoning George Crawford

Conviction of George Crawford, Virginia Negro charged with the murder of Mrs. Agnes Boeing Illsley, and her maid, Mrs. Nina Buckner, both white women, and the decision of the N. A. A. C. P. not to appeal from the life sentence given Crawford, moves William L. Patterson, secretary of the International Labor Defense, to launch this week an insane and unreasonable attack on the N. A. A. C. P. Patterson alleges that the decision of the N. A. A. C. P. not to go further in this case is a "betrayal of George Crawford and the Negro people."

The Black Dispatch sees the decision of the N. A. A. C. P. in no such light. The evidence in the case showed that George Crawford lied to his counsel. His own sweetheart went on the stand and testified that he was in Virginia at the time he alleged he was in Boston. The State of Virginia proved beyond a reasonable doubt that George Crawford was in Virginia and that he did commit the heinous crime for which he must now serve a life sentence in prison.

We, of course, understand and know that the question of an "all white jury" was wrapped up in this case, but there is slight integrity and honor in defending a proved and confessed murderer. The N. A. A. C. P. can find a dozen cases in a dozen counties of Virginia where the question of an all white jury can be raised. The Black Dispatch believes that even a guilty man is entitled to a fair trial, and regardless of the fact that Crawford had able counsel at his side. we do not believe that from the constitutional angle of selecting a jury, George Crawford had a fair trial in Virginia.

There are thousands of fine, liberal minded white citizens of this republic who are willing to help the Negro fight for the right to a fair trial, but the Crawford case exposed the defendant as a murderer and a perjurer. There is too much opportunity in this case for the enemies of the Negro race to charge that Negroes are organized to protect their race in crime. The N. A. A. C. P. cannot afford to lose ground already won by joining hands with a proved criminal, and using him as a base from which to fight for justice in the courts.

Although the Crawford jury was not drawn according to "due process" of law, it is splitting hairs of delicate nicety when one argues that the trial did not expose the defendant's guilt. Black or white, we stand for murderers to be punished. The Negro cannot blow hot and cold on this subject. We decry the disposition of the courts to dodge behind technicalities when the white mobbist is brought to trial. To resort to the same tactics with a proved murderer such as George Crawford, and delay the law's penalties on the ground that we desire to test the constitutionality of jury process, is but to join in the hypocrisy which we have previously denounced.

Mr. Patterson takes umbrage at Dean Houston's remarks to the "all white" jury in the Crawford case. The defense counsel is quoted as making a statement in which he betrayed and forgot the right of fifteen million Negroes to sit in the jury box. Here is the offending statement over which Mr. Patterson quibbles:

"The composition of our juries must rest for the moment upon their acceptance by the community. We can not expect a change over night. But if the question is treated with sincerity by both sides, we shall progress. We can not hope to rise by tearing down your institutions, we can only hope to convince you that we are entitled to share in them."

Men with experience know that what one says, and the significance to be attached, depends quite largely upon where the talk is made, and the objectivity of the remarks. If Mr. Houston had been addressing the supreme court of the United States, and had made the above statement, we would feel that he had taken a stab at the fundamental rights of black people. The supreme court, as we all know, has the power and authority to settle this question. The above statement is too weak, compromising and palliating to ever be made before that high tribunal on the subject of "all white juries."

But Dean Houston, at the time he was making that statement, was not thinking of Negro juries at all. He was standing before a southern white jury, a group of poor whites who did not have the power to settle the question of "all white" juries, and never will. Dean Houston knew

that "all white" jury was delegated with the power to wring George Crawford's neck. if it was their will. The defense counsel had come into the Leesburg court full of hope that he was doing two things, viz.: defending an innocent man and establishing the ground work upon which the Negro in America could settle the "all white" jury question, but as Dean Houston stood before that jury on the morning he made the above statement, he realized that he was defending a man who had lied to his lawyer; a man who stood exposed by members of his own race, as well as the white race, as having committed the crime of murder He knew that George Crawford would be convicted and he resorted to the artifice and the tricks of all lawyers. He played on the ego of the men who stood before him.

That he did a good job, and rose to the heights of humar persuasion, is shown by or in the penalty assessed. Who ever heard of a Negro slaying two white women in the South and being assessed a life penalty?

There is nothing about the George Crawford case for which the N. A. A. C. P. need offer an apology, not even to the International Labor Defense. The fight for the right of the Negro to sit on juries will doubtless go on, but the Black Dispatch along with the N. A. A. C. P. refuses to weaken the Negro's battle for justice by allowing proved criminals to thus hide from the penalities of the law

Mass Pressure on Virginia Court Wins Release of Negro

Case Simliar to That of Crawford Betrayal by N.A.A.C.P.

PORTSMOUTH, Va., Dec. 21—Mass pressure yesterday forced the unconditional release of John Askew, Negro worker framed on murder charges here, following his fourth trial.

Proof that Askew was not even in the state at the time that Joseph F. Drake, white special railroad officer with whose murder he was charged, was killed, was established at all four trials. The first two resulted in hung juries, and at the third he was found guilty and sentenced to thirty years imprisonment.

The mass pressure and protest against the frame-up of Askew, organized by the International Labor Defense, forced a new trial after his conviction, and finally won his unconditional freedom.

The contrast between the militant defense of Askew put up by the I.L.D., which also raised sharply the question of the illegal exclusion of Negroes from juries in Virginia in this case, and the betrayal of George Crawford, another Negro worker framed on murder charges in this state, by the National Association for the Advancement of Colored People, has roused wide support for the I.L.D. program of defense struggle.

ADES RETAINS H.U. LAW HEAD AS COUNSEL

Charles Houston Will Defend Attorney in Disbarment Case.

I.L.D. LAWYER ANSWERS CRITICS

Raps Eastern Shore "Leaders."

Dr. Charles Houston, dean of the Howard University law school and now engaged in the defense of George Crawford, whose case opens at Leesburg, Va., Tuesday, has been retained by Bernard Ades as his chief counsel in his disbarment proceedings.

With four formal charges placed against him in a show-cause order filed by Judge William C. Coleman senior United States District Judge in Maryland, the International Labor Defense attorney was allowed until December 23 to state why he should not be disbarred from practicing in the United States courts.

Ades is accused of injecting himself into the Euel Lee and Page Jupiter cases to exploit the views of the I.L.D.; misconduct by making criticisms of certain judges and other officials of Maryland without foundation.

The attorney is also accused in the writ of attempting to intimidate, threaten and deceive Mrs. Martha Miller, star witness against Euel Lee, during his two trials at Towson, Md., and also accused of seeking to secure the possession of Lee's body after the execution to carry it to New York to incite racial feelings, prejudicial to the public interest, law and order.

The selection of Mr. Houston came as a surprise, because Mr. Houston is one of the chief attorneys for the N.A.A.C.P., and the feeling between this organization and the I.L.D. has not been of the best since the Scottsboro case disagreement.

The selection of Mr. Houston is interpreted in legal circles here as another attempt of Mr. Ades to promulgate real ideas of racial equality by selecting a colored lawyer to defend him as an evidence of his lack of prejudice.

Raps Shore

Mr. Ades was assailed by three leaders of the Eastern Shore in a statement published in the local dailies, Thursday.

According to the statement, the Shoremen feel that Ades injected hmself into the Lee case in such an objectionable manner as to arouse the hatreds which later caused the Matthews and Armwood lynchings.

The statements were made by James F. Stewart, the Rev. J. M. Dickerson and James L. Johnson, a retired school teacher. In answer to their statements, Mr. Ades issued the following reply:

"The statement of these men, in essence, contains three points:

"1. That Euel Lee ought to have been tried on the Eastern Shore, where several attempts were made to lynch him (even before the I.L.D. entered the case); that Negroes received fair trials on the Shore, even before Negroes served on juries, and that, therefore, they, Stewart, Dickerson and Johnson, do not approve of the tactics of the I.L.D.

"2. That Matthew Williams and George Armwood were guilty of crimes and that they were lynched (instead of legally hanged like Euel Lee) because of the I.L.D. tactics in the Euel Lee case.

"3. That the Eastern Shore is 'abounding in plenty,' the people are prosperous and happy and they are enjoying life.

"These gentlemen live on the Shore. They have ample opportunity to see the widespread misery and starvation among both white and Negro workers

RICHMOND, VA.
TIMES DISPATCH

DEC 27 1934

Decision Without Evidence

THE "misrepresentations" and "lies" of the "capitalist press" form one of the favorite themes of the Communist organ, the *Daily Worker*, published in New York. It is amusing, therefore, to find such grotesque distortions of fact as appear in the December 18 issue of this Communist bible relative to the CRAWFORD trial.

The paper carries a dispatch dated "Leesburg, Va., Dec. 17," purporting to describe the trial and its result. The dateline indicates, of course, that the story was written on the scene, but if there was a correspondent of the *Daily Worker* at Leesburg, he was invisible to the naked eye.

Not only so, but he failed to raise his voice in protest against the iniquities which he so feelingly described in the Communist organ. The truth is, of course, that the dispatch was written in New York, and that its author had never been any nearer Leesburg than that.

The headlines on the article are "N. A. A. C. P. Attorney Helps Lynch Court Sentence Crawford," and goes on to say:

"An all-white boss jury of two bankers, one merchant and nine farmers, yesterday returned a verdict of guilty against GEORGE CRAWFORD, and on the advice of his N. A. A. C. P. defense attorney, sentenced the framed Negro worker to life imprisonment."

It is unnecessary to quote further, since the rest of the dispatch is in the same vein.

The fact that CRAWFORD was clearly guilty of some part in the crime, even if he did not actually do the killing, was evident to all who heard the evidence, including CRAWFORD'S own lawyers. CRAWFORD himself confessed his guilt, and no evidence was introduced to indicate that what he said in his confession was untrue, or that he was put through anything resembling the third degree before he "told all."

But facts are inconvenient things, at times, as the Communists have discovered on more than one occasion. In the present instance they had to make the case fit into their preconceived pattern of what it was to be, so they proceeded to ignore the evidence and to describe what they felt ought to have occurred.

The truth is, of course, that CRAWFORD was lucky to get off with life imprisonment. The attorneys for the National Association for the Advancement of Colored People realized this and were satisfied with the verdict. That fact is much more convincing than the bawling of a lot of professional trouble-makers 300 miles from the scene.

Killings - 1933

Virginia

GREENSBORO, N. C.
NEWS

APR 27 1933

A ONE-SIDED HEARING.

Although a coroner's jury, after hearing what was unquestionably a one-sided version of the tragedy only a few hours after its occurrence, has exonerated Patrolman R. M. Brooks of blame in killing Paul Little, negro, it has not settled the matter entirely to everybody's satisfaction.

Every time an officer's gun kills a man one immediately wonders if the circumstances justified the drastic action, and that is the question that presents itself now. True, the coroner's jury has found that the officer was within his rights in killing Little. However, the fact remains that the only version of the shooting given at the hearing was that of the officers. The dead man's companion and brother was reported too drunk to be brought down from the city jail.

The officers, Patrolman Brooks and Sergeant E. H. Johnson, said they found the two negroes drunk in a parked car and stopped to make an investigation after they saw one of them remove something from his coat and place it on the rear seat of the machine. Resistance was offered when the officers announced their intention to take the negroes to headquarters, and in the scuffle that followed Officer Brooks shot Little three times as the negro advanced on him with a drawn hammer, he testified.

Both negroes were intoxicated; that was the uncontradicted testimony at the hearing and substantiated by a post mortem examination of Little's stomach, showing a content of intoxicants. The only remaining question is the degree of the man's intoxication. If he was half as drunk as his companion was reported to have been, was he dangerous enough, even though armed with a hammer, to justify the officer in firing three shots into his head and body? It seems that one shot would have been sufficient to stop a drunken man.

Probably the justification of the killing should not be questioned as there might be facts that the newspaper account of the shooting and hearing did not reveal. Yet, it is rather difficult to understand why the coroner's hearing was conducted almost before rigor mortis had set in and the intoxicated brother had an opportunity to sober and give his version of the tragedy. The usual procedure is to hear the testimony of all concerned.

Officers have been known to be too quick on the trigger. They have misinterpreted the right to carry a gun as authorization to shoot on the slightest provocation. The courts should ascertain all the facts before passing judgment.

The action of the police department in preferring formal charge of second degree murder against Officer Brooks is commendable. Hearing on the charge will afford an opportunity to lay all the cards on the table. That was more than was done at the coroner's hearing.

NEW YORK

LITERARY DIGEST
MAY 6, 1933

The Move to Impeach Judge Lowell

"IT GOES AGAINST MY Yankee common sense to have a case go to trial and then be thrown out."

Thus Federal Judge James A. Lowell of Boston explains his action in blocking the extradition of George Crawford, a Negro arrested in Massachusetts and charged with a double murder committed two years ago in Middleburg, Virginia.

"I have no doubt the defendant would get a fair trial in Virginia," admits Judge Lowell; but he goes on to say that the Supreme Court would declare the trial illegal because, in practise, if not by law, Negroes do not serve on the jury when a Negro is tried in a Southern court.

As a result Judge Lowell is accused in Congress of "violating his oath to support the Constitution," and of "deliberately and wilfully seeking to defeat the ends of justice," and the House votes 209 to 150 ordering the Judiciary Committee to investigate the necessity of instituting impeachment proceedings against him.

Meanwhile, as the New York *Nation* points out, his action has "dramatized the important issue raised in the Scottsboro case—the exclusion of Negroes from Southern juries trying Negroes in criminal cases." The Judge's aim, a Boston dispatch explains, is to short-cut the route of this case to the Supreme Court.

Acme

His "Yankee Common Sense"

Stirred up a move to impeach him. Judge James A. Lowell.

WHILE Representative Martin Dies of Texas denounced the action of Judge Lowell as "contrary to the laws of the United States and every sense of decency and justice," and Representative Howard W. Smith of Virginia used vigorous language in asking for his impeachment, the Virginia press maintains a temperate tone in its criticism of a judicial stand which it agrees is "amazing."

"In this ruling," declares the Richmond *Times-Dispatch*, "the Massachusetts judge is guilty of a serious invasion of States' rights." Another Richmond paper, *The News-Leader*, suggests that the South should try the experiment of calling Negroes more frequently for jury service. "Negroes have served on Virginia juries, and no law bars them," says the Norfolk *Virginian-Pilot*, which asks what right Judge Lowell has to assume that the prisoner would be found guilty and that the Supreme Court would nullify the conviction.

TURNING to the Northern press, we find the Boston *Post* declaring that whether Judge Lowell is overruled by the higher courts or not, "his object has been attained":

"He has called attention to the manifest unfairness of the Southern courts in restricting jury service to white men in so dramatic and forceful a manner that the whole country is now well informed about it.

"It is no longer a case with merely a single defendant. A great principle is involved. It is up to the South to answer at the bar of public opinion. Judge Lowell is not on trial but the cause of justice in the South is decidedly on the defensive."

But in New York the Buffalo *Courier-Express* warns us that "too severe pressure on the Southern jury question might give impetus to the worst bootlegging of all—the bootlegging of justice by Judge Lynch and his followers." And in the New York *Evening Post* we read:

"If the Supreme Court is going to set free every Negro tried in the South for murder, it will simply put a premium on murder. It will automatically destroy the existing system of courts and justice in the Negro States. It will either allow horrible murders to go unpunished, or it will stir to new life the deadly sin of lynching."

Angry Southerners Seek To Impeach Judge Lowell

BOSTON, MASS.—The Southern lily-white jury system was given a setback Monday when Federal Judge James A. Lowell granted a writ of habeas corpus freeing George Crawford, 28-year-old chauffeur, sought by Virginia on a charge of murdering Mrs. Agnes Boeing Ilsley, wealthy sportswoman, and her maid, Mrs. Nina Buckner, at Middleburg, Va., in January, 1932.

Judge Lowell declared that the supreme court would nullify a conviction of the defendant in Virginia because Negroes did not serve on the juries there. He said, "It is legal nonsense to send a case through the courts when we know it will fail." In answer to the question of Virginia ciolating the constitution, by J. A. Galleher, commonwealth attorney of Loudoun County, Va., the judge retorted, "The Virginia system of choosing jurors is unconstitutional. I have no doubt, the defendant would not get a fair trial in Virginia." Pending action on an appeal to the U. S. district court of appeals by the state of Massachusetts, Crawford later was held in $25,000 bail.

The N. A. A. C. P. counsel consisted of Butler R. Wilson, noted lawyer and president of the Boston branch of the N. A. A. C. P.; J. Weston Allen (white), former attorney general of Massachusetts; Charles H. Houston, vice dean of Howard University law school and member of the N. A. A. C. P. national legal committee, and Edward P. Lovett, prominent Washington, D. C., attorney.

At the extradition hearings before the assistant attorney general of Massachusetts on Jan. 25 and Feb. 7, the N. A. A. C. P. lawyers produced numerous witnesses who furnished Crawford with a perfect alibi, placing him in Boston at the time of the murders. On Feb. 18, Governor Ely of Massachusetts issued a writ of extradition for Crawford, but Attorney Butler R. Wilson appealed for a writ of habeas corpus on Feb. 27.

When wealthy Mrs. Ilsley and her maid were found murdered on the morning of Jan. 13, 1932, by Paul Boeing, Mrs. Ilsley's young brother, George Crawford, who occasionally served as her chauffeur, was immediately accused of the crime. Accused of committing many minor crimes in the vicinity, he had left for the North some time before the murders when released for lack of evidence.

One Year Later

On Jan. 13, exactly a year after the murders, Crawford was arrested in Boston. The N. A. A. C. P. came immediately to his assistance. Helen Boardman, white investigator, was sent to Loudoun county to collect evidence. Her findings cast grace doubt on Crawford's guilt, but threw suspicion on Paul Boeing, who had a reputation of being "queer."

The rich whites are backing the prosecution of Crawford to the limit and the case is looked upon as a class affair. It is said that the middle and upper classes of the country may even engineer his lynching if he is returned. The Loudoun Tribune-Mirror, mouthpiece of the wealthy gentry, continues to clamor for Crawford's conviction.

Statesmen Indignant

Rep. Dies (Dem., Tex.), introduced in the house a resolution that would abolish Judge Lowell's office. Rep. Smith (Dem., Va.), said Tuesday that if he could find grounds under the law he would demand impeachment of Federal Judge Lowell. Smith said Lowell "went out of his way to insult gratuitously the people of Virginia."

Gen. William Mitchell, former assistant chief of the army air corps and one of Mrs. Ilsley's neighbors, telephoned a statement to Leesburg, Va., saying he had instituted steps looking toward Lowell's impeachment. Judge Lowell said admissions have been made by both the state and defense that Negroes did not serve on juries in Virginia.

Boston Bar Council Upholds Judge Lowell; Says He Acted Impartially in Negro's Case

Special to THE NEW YORK TIMES.

BOSTON, April 29.—The personal attacks made in Congress on Federal Judge James A. Lowell for his decision to allow a writ of habeas corpus in the case of George Crawford, Negro wanted in Virginia on charges of double murder, are deplored in a resolution adopted by the council of the Bar Association of the City of Boston yesterday and made public today.

The resolution reads as follows:

"Resolved: The Council of the Bar Association of the City of Boston deplored the personal attacks made in Congress upon Honorable James A. Lowell, Judge of the United States District Court of Massachusetts, for his action in allowing a writ of habeas corpus in the Crawford case.

"In that case certain important facts bearing upon the validity under the Constitution of the United States of the indictment found in Virginia against Crawford were set out in an agreed statement of facts, signed by counsel, a copy of which is hereto annexed.

"This statement was filed and agreed to, and thus became binding upon Judge Lowell, subject only to the question whether he had, under the approved practice on habeas corpus in extradition cases, the right to consider such facts, or whether on the other hand they should be given consideration in the first instance by the courts of Virginia.

"That is a question which required an examination of numerous decisions of the Supreme Court of the United States, and the most careful consideration. What effect should be given to the agreed facts, if they were taken into consideration, was a similar question.

"While expressing no opinion as to the correctness of Judge Lowell's decision, we believe that he determined both these questions with intelligence, impartiality, and after careful consideration.

"Whether his decision was right or wrong will be determined by a higher tribunal to which an appeal has been taken; but in the meantime he should be free from attack for performing his judicial duty honestly and in accordance with his best judgment."

The judge, in effect, said to try the accused in Virginia would be mockery of justice and a waste of time and money, because Virginia doesn't permit negroes to sit on juries, and, therefore, the United States Supreme court would certainly set aside the verdict.

Since then, however, it has been pointed out by reputable authorities, including the Richmond News-Leader, that Virginia law does not prohibit negroes from jury service.

The Columbia (S. C.) State, which says it advised Virginians at the time to let the law take its course, and enjoy themselves when they got the New England jurist and his decision before the Supreme court, now points out that he is already before the higher tribunal in another appeal. Judge Lowell, in a narcotics case in Massachusetts, is quoted as saying of the defendant, while instructing the jury:

> He wiped his hands during the testimony. It is a rather curious thing, but that is almost always an indication of lying. Why it should be so we don't know, but that is the fact. I think that every single word that man said, except when he agreed with the government's testimony, was a lie.

"When the solemn judges, sitting in Washington heard thus far," remarks the State, "argument was stopped. The solicitor general was asked what he thought about that. He thought a new trial was necessary. The court thought likewise. There was nothing else that dignified tribunal could think out loud."

It is to wonder why and how Judge Lowell came by the appointment to his present position. But it is to wonder still more how, in the light of his action in the cases cited, he retains a seat on the bench.

GREENSBORO, N. C.
RECORD
MAY 16 1933

It Is to Wonder.

Virginians waxed quite wrathy a few weeks ago, demanding impeachment of Federal Judge James A. Lowell, of Boston, because he refused to permit the extradition from Massachusetts of a negro charged with murdering two white women in Virginia.

ASK SUPREME COURT NOT TO REVIEW CASE

Va. And Mass. Join In Plea Concerning Crawford Case

Special to Journal and Guide

WASHINGTON, D. C. — They can't take it. At least, this sentence seems to describe the attitude of Joseph E. Warner, attorney-general of Massachusetts, and Commonwealth's Attorney John Galleher, of Loudon County, Virginia. Both were here.

Both of these Monday jointly asked the United States Supreme Court not to review the case of George Crawford, which case was appealed to the highest tribunal following the fight in the New England state to have Crawford extradited to Virginia.

After many weeks of following clues and rumors and counter rumors, Crawford, named in Loudoun County as the man who slew Mrs. Agnes B. Ilsey, rich white westerner dowager, and her maid, Miss Nina Buckner, also white.

When traced to Boston, Crawford maintained that he was not in Virginia at the time the murder is supposed to have taken place, and produced witnesses to support his claims, but the authorities of Loudoun county produced others to prove he was in the county.

The Circuit Court of Appeals reversed Judge Lowell, and the case was appealed to the Supreme Court. In other words, Crawford was exhausting all remedies, a procedure not at all amiss. But these state attorneys are not satisfied to have the highest tribunal give the final verdict. They are either afraid of the outcome, or they cannot take it.

Killings-1933

Virginia.

SUPREME COURT TO HEAR CASE, DEFENSE SAYS

Famous George Crawford Case Will Be Carried to Highest Court—Circuit Judges Hold Question of "Negroes On Jury" Not Admissable At Present—Defense Plans New Move With Confidence.

By C. ELLIOTT FREEMAN Jr.
(Special to The Pittsburgh Courier)

BOSTON, Mass., June 22—The bitter battle being waged by the National Association for the Advancement of Colored People with the State of Massachusetts to halt the extradition of George Crawford to Virginia will be carried to the Supreme Court of the United States, Ex-Attorney General J. Weston Allen, one of Crawford's counsel, informed newspaper men, Thursday after the U. S. Circuit Court of Appeals had reversed the ruling of Judge Lowell, who had granted Crawford a writ of habeas corpus.

"We shall appeal for a writ of certiorari. That is all I care to say at this time," was the brief statement made by Attorney Allen to newspaper men who questioned him on the next move by the defense.

According to Assistant Attorney General George Lourie, in commenting on the action of the Circuit Court, said that in view of the announcement of Crawford's counsel that an appeal would be taken to the U. S. Supreme Court, declared that Crawford will be held in jail "until he is extradited to Virginia."

The unanimous reversal of Judge Lowell's ruling by the Circuit Court in its 17-page decision did not condone the discrimination of Negroes in the jury system on Southern States. The Circuit Court found that such discrimination against colored people under which the Grand Jury which indicted Crawford was selected "was an infringement of his rights guaranteed by the 14th Amendment."

Holds Evidence Inadmissible

The opinion said that in a habeas corpus case "evidence of the character here in question is not admissible, as the question to which it is addressed is not open to review and determination on habeas corpus in a Federal court, at any rate in the first instance."

The court held that "it was not intended by Congress that the Federal courts should, by writ of habeas corpus, obstruct the orderly administration of the criminal laws of a State through its own tribunals."

The Appeals Court ruling said further:

"As no opinion was filed in the district court, we have no complete statement of the view it entertained.

"But it apparently was and is that the method pursued in Loudoun County, Va., in the making of the lists for and the drawings of grand jurors, whereby the State officials discriminated against citizens of African descent because of race or color, was a violation of the applicant's constitutional right under the 14th Amendment and of such a nature as to render the indictments and all proceedings thereunder void, depriving the Virginia court of jurisdiction to proceed and try the case."

Crawford has been in the custody of Lieut. Detective Frank G. Hale of the State Police ever since Gov. Joseph Ely ordered his extradition to Virginia at the request of Gov. Pollard of that State on February 188, last. He is charged with the murder of two white women, Mrs. Agnes B. Ilsley and her maid, Mrs. Nina Buckner, January 13, 1932.

Attorney Butler R. Wilson, president of the local branch of the N. A. A. C. P., who is associated with Attorney J. Weston Allen, former Attorney General of the State of Massachusetts, sought to stay the execution of Governor Ely's extradition order by petitioning the Federal Court for a writ of habeas corpus. When the hearing on the petition came up before Judge Lowell last April 24, counsel for Crawford and for the State submitted to the court an agreed statement of facts.

The statement contained affidavits from the circuit judge, the clerk of court and the sheriff of Loudoun County admitting that Negroes were never drawn for grand or petit jury service in that county, although there were Negroes who met the standards for jury service.

Crawford was arrested by local police last January when he was found in a Tremont Street store, which he had just broken into. At police headquarters, his fingerprints were taken, a copy was sent to the State Police for their record it was during the filing of the fingerprints that a student in fingerprinting recognized Crawford's fingerprints as those of a man wanted in Virginia for the murder of two women.

Crawford was well known in Roxbury and the South end. His stay in this city was one of many hardships. It is believed that the store he broken into on the night he was arrested by the police was for the sole purpose of stealing a bottle of milk and a loaf of bread. According to the police this was all they found in his possession, although, he had ample time to steal several dollars left in a cash register. He made his home in a rear room of a plumbing shop, where plumbers tools and equipments were stored. His only means of support were a few odd jobs.

JUDGE LOWELL REVERSED, BUT FIGHT GOES ON

N. A. A. C. P. Not to Give up Crawford Battle.

JURY SYSTEM TO BE FOUGHT IN VA.

Appeals Court Says Issue is Local.

By C. ELLIOTT FREEMAN, JR.

BOSTON, Mass.—The bitter battle of the N.A.A.C.P. with the state to stop extradition of George Crawford to Virginia will be carried to the Supreme Court of the United States after the reversal of Judge Lowell's ruling releasing Crawford, by the United States Circuit Court of Appeals Thursday, ex-Attorney-General J. Weston Allen, one of his counsel, told newspapermen following the decision.

"We shall appeal for a writ of certiorari. That is all I care to say at this time," was the brief statement made by Attorney Allen to newspaper men who questioned him on the next move by the defense.

According to Assistant Attorney-General George Lourie, in view of the announcement of Crawford's counsel that an appeal would be taken to the United States Supreme Court, Crawford will be held in jail "until he is extradited to Virginia."

Hits Jim Crow Juries

The unanimous reversal of Judge Lowell's ruling by the circuit court in its 17-page decision did not condone the discrimination of Negroes in the jury system in Southern States. The circuit court found that such discriminations against colored under which the grand jury that indicated Crawford was selected "was an infringement of his rights guaranteed by the 14th Amendment."

Uphold State Rights

Judge Lowell's ruling was reversed on the ground that the constitutionality of the method of selecting jury members was a matter to be questioned first in the State courts of Virginia rather than in a Federal court on extradition proceedings.

Crawford has been in the custody of Lieut. Detective Frank G. Hale of the state police ever since Governor Joseph Ely ordered his extradition to Virginia at the request of Gov. Pollard of that state, on February 18, last. He is charged with the murder of two white women, Mrs. Agnes B. Ilsley and her maid, Mrs. Nina Buckner, on January 13, 1932. The murder is said to have been committed in Loudoun County, Virginia.

Counsel Submitted Agreements

Butler R. Wilson, attorney, president of the local branch of the N.A.A.C.P., who is associated with J. Weston Allen, former attorney-general of the State of Massachusetts, sought to stay the execution of Gov. Ely's extradition order by petitioning the Federal court for a writ of habeas corpus. When the hearing on the petition came up before Judge Lowell last April 24, counsel for Crawford and for the state submitted to the court an agreed statement of facts.

The statement contained affidavits from the circuit judge, the clerk of the court and the sheriff of Loudoun County, admitting that Negroes were never drawn for grand jury service in that county, although there were Negroes who met the standards for jury service.

Arrested in January

Crawford was arrested by local police last January when he was found in a Tremont Street store, which he had just broken into. At police headquarters, his fingerprints were taken, a copy was sent to the state police for their record. It was during the filing of the fingerprints that a student in fingerprinting recognized Crawford's fingerprints as those of a man wanted in Virginia for the murder of two women.

Crawford was well known in Roxbury and the South end, his stay in this city was one of many hardships. It is believed that the store he broke into on the night he was arrested by the police was for the sole purpose of stealing a bottle of milk and a loaf of bread.

According to the police this was all they found in his possession, although he had ample time to steal several dollars left in a cash register. He made his home in a rear room of a plumbing shop where plumbers' tools and equipments were stored. His only means of support was a few odd jobs.

N. Y. SUN

JUN 19 1933

Letters to The Sun

The Reversal of Judge James A. Lowell's Decision.

TO THE EDITOR OF THE SUN—*Sir:* The United States Circuit Court of Appeals, in reversing Judge James A. Lowell's decision in the case of George Crawford, sought by Virginia for trial for murder, states what seems to be fundamental truth. The opinion of the higher court says that the question whether Negroes are called for jury service in Virginia is one "that can be heard and determined by the trial court in Virginia." It goes on to say that "it was not intended by Congress that the Federal Court should, by writ of habeas corpus, obstruct the orderly administration of the criminal laws of a State by its own tribunals."

This opinion needs to be read in conjunction with Judge Lowell's opinion that Crawford ought not to be extradited to Virginia, for if he were convicted in that State and his conviction were appealed to the Supreme Court that court would annul the conviction because of the failure of the State of Virginia to call Negroes for jury service. The real question is not whether Negroes are called for jury service or not, but whether the Federal Government has the right to interfere so capriciously in a matter of State jurisdiction. The subject matter of Judge Lowell's objection seems far removed from the simple question of extradition; the decision of the Circuit Court of Appeals demonstrates how tenuous the connection was. FIAT JUSTITIA.

New York, June 17.

New York Evening Journal

Va.

JUN 17 1933

LOWELL RULING REVERSED

BOSTON, June 17.—Federal Judge James A. Lowell, "erred" when he granted a writ of habeas corpus to George Crawford, Negro, wanted in Virginia for a double murder, the U. S. Circuit Court of Appeals has ruled.

Overruling the writ, the Justices ordered Crawford to be placed in the custody of the Massachusetts State police for execution of the extradition papers which had been signed by Governor Ely.

The decision of Judge Lowell caused a storm of controversy which rose to such high pitch that his impeachment was demanded in Congress.

Judge Lowell held the indictment of Crawford in Virginia was void and that a conviction of the Negro in Virginia would be overthrown by the U. S. Supreme Court "because Negroes are not permitted to serve on juries in that State."

NEW YORK TIMES

OCT 17 1933

VIRGINIA UPHELD IN CASE OF NEGRO

Supreme Court Refuses Review to Crawford, Indicted in Slaying of Mrs. Ilsley.

JUDGE LOWELL REVERSED

Right to Extradite Prisoner From Boston Is Sustained in Jury Service Issue.

SPECIAL TO THE NEW YORK TIMES.

WASHINGTON, Oct. 16.—George Crawford, the Negro who is under indictment for the murder of Mrs. Agnes Boeing Ilsley and her maid, Minnie Buchner, at Middleburg, Va., in January, 1932, lost his fight against extradition from Massachusetts when the Supreme Court today refused to review his case. As a result he must be sent back to Virginia for trial.

The Crawford case is the issue in which Federal Judge James A. Lowell attracted national attention by ordering Crawford released and declining to direct extradition on the ground that Negroes did not serve on grand juries in Virginia. The House of Representatives adopted a resolution to impeach him and the Judiciary Committee is investigating Judge Lowell's official conduct.

Last January, a year after the murder, Crawford was arrested in Boston. Virginia immediately demanded his extradition. A month later the Governor of Massachusetts ordered Crawford surrendered to the Virginia authorities. The prisoner's counsel instituted habeas corpus proceedings, arguing that trial in Virginia would deprive him of his constitutional rights.

Judge Lowell's ruling in the habeas corpus proceedings was reversed by the First Circuit Court of Appeals. This court ruled that the issues raised in the habeas corpus writ had been prematurely produced, that Crawford would have a chance to argue his constitutional rights in Virginia courts, and that if the decision there went against him he could ask the Supreme Court for a review.

Lowell Held Indictment Void.

Judge Lowell had ruled that the indictment, returned by a grand jury from which Negroes had been excluded was void. It was argued that while Virginia's statutes do not discriminate against Negroes for jury duty, the judge in London County, where the indictment was returned, did discriminate against them by refusing to select them for grand jury duty.

The Commonwealth's Attorney of Loudon County, heart of the North Virginia hunting country, said this afternoon that as an extradition already had been made there were only a few formalities to be gone through before Crawford was brought back for trial.

Two New York men charged with contempt through refusal to answer questions of the Federal grand jury lost their appeals when the Supreme Court declined to review the issues. They were Rocco Delarmi and Arthur Weinberg.

Virginia Wins In Its Battle To Extradite Negro

WASHINGTON, Oct. 16.—(AP)—The lengthy controversy between Virginia and a Massachusetts Federal judge over whether George Crawford, a negro, should be extradited from Boston for trial on a charge of murdering two white women appeared tonight to be settled in favor of the "Old Dominion" State.

The Supreme Court refused to review the case which upheld the decision of the court of appeals directing the extradition must be executed. The Appellate Court reversed the decision of Judge James A. Lowell who refused to send the negro to Virginia.

Judge Lowell, whose official conduct is being investigated by the House of Representatives under an impeachment resolution, based his action on the ground that negroes did not serve on Grand juries in Virginia, hence Crawford must be denied his constitutional rights.

The negro was arrested in Boston after being indicted in Virginia for murdering Mrs. Agnes B. Ilsley, wealthy sportswoman, and her maid, Mina Buchner, at Middlesburg, Va., in January 1931.

The Supreme Court made no attempt to pass on the merits of the controversy confining its action to the mere announcement that a review had been denied Crawford, its action had the effect of permitting the decision of the Circuit Court of Appeals to stand.

NEW YORK WORLD

OCT 16 1933

REFUSES TEST OF NEGRO JURY

Supreme Court Won't Intervene in Appeal Brought by George Crawford.

By the Associated Press.

WASHINGTON, Oct. 16.—The Supreme Court declined today to step into the dispute over whether George Crawford, Negro, should be returned to Virginia from Boston for trial on a charge of murder, declining to review the case. Crawford is under indictment for the slaying of Mrs. Agnes B. Ilsley, wealthy sportswoman, and her maid at Middleburg, Va., in January, 1931.

This is the case in which a resolution for the impeachment of Federal Judge Lowell was introduced in Congress following his refusal to order Crawford's extradition to Virginia on the ground that Negroes did not serve on grand juries in Virginia.

The First Circuit Court of Appeals reversed Judge Lowell, holding that Crawford would have an opportunity to assert his Constitutional rights when brought to trial in Virginia.

Argument was set for January 8 on an application by Alabama for permission to file a complaint against nineteen States and the United States to prevent enforcement of State laws excluding or requiring the labeling of her prison made goods.

The United States was denied a Supreme Court review to test whether concerns manufacturing automobile chassis and bodies were subject to federal taxes before title on its products passed to the ultimate purchaser.

U. S. JUDGES DENY APPEAL FOR NEGRO

RICHMOND, Va., Oct. 25.—(AP)—An appeal for a certificate of probable cause for an appeal in the case of Euel Lee, Maryland negro, sentenced to be hanged for a murder committed two years ago, was denied late tonight by Judges Morris Soper and John J. Parker, of the United States circuit court of appeals.

After arguments which lasted almost two hours, the judges, retiring to deliberate only a few minutes, returned to say that they had concurred in a decision not to grant the certificate.

ROANOKE, VA.
TIMES

OCT 17 1933

CRAWFORD MUST STAND TRIAL.

George Crawford, Negro wanted in Northern Virginia for trial for the murder of Mrs. Agnes B. Ilsley, a wealthy sportswoman, and her maid, Mina Buchner, in January, 1931, has lost his stubborn legal fight to resist extradition to Virginia. The Governor of Massachusetts honored Governor Pollard's request for Crawford's extradition but the accused Negro's attorneys successfully instituted habeas corpus proceedings before Federal Judge Lowell and Crawford's release was directed on the ground that Negroes are not allowed to serve on grand juries in Virginia and hence the man would be denied his constitutional rights if sent back to Virginia to stand trial in the courts of this State.

As the outgrowth of this ruling a resolution for the impeachment of Judge Lowell was introduced in the House of Representatives by Congressman Smith, of the Eighth Virginia district, and is still pending. Judge Lowell's ruling was subsequently reversed by the circuit court of appeals and yesterday the U. S. Supreme Court denied Crawford a review of the appellate court's decision. This means that Crawford will be turned over to the Virginia authorities and brought back to the State for trial. The next step of Crawford's attorneys probably will be to apply to the Federal courts of Virginia for a writ of habeas corpus.

On account of Judge Lowell's remarkable and audacious attempt to read what was in the Supreme Court's mind in a case which had never been before it the Crawford case has attracted attention all out of proportion to its importance. It is not inconceivable that Judge Lowell's ruling may cost him his seat on the Federal bench without saving Crawford's neck. It goes without saying, we hasten to add, that the accused Negro should be given a fair and impartial trial and that he should be accorded opportunity to establish his innocence, if he can do so. The murder of the two women, which occurred on Mrs. Ilsley's estate near Middleburg, was a particularly brutal and atrocious crime, however, and the guilty man, whoever he is, deserves the most severe penalty provided by law.

Killings - 1933

Virginia

LOCAL ATTORNEY REVIEWS LEGAL POINTS AT ISSUE

Lays Blame for Angry Reaction To Lack of Facts

In a ringing defense of Judge James A. Lowell, of the Federal Court at Boston, who freed George Crawford, wanted for murder in Virginia, W. W. Foreman, well-known Norfolk attorney lays the blame for part of the abuse heaped upon the jurist to the ommission of important facts in a majority of the daily papers which reported the case.

If those who so bitterly assail Judge Lowell and are seeking his impeachment had been clearly informed that the Virginia officials directly connected with the case admitted in effect the systematic exclusion of colored jurors, Mr. Foreman believes there would have been a different reaction.

The regular and persistent absence of colored jurors from the venires drawn could have come about only "by deliberation and design," declares the Norfolk attorney in his special statement to the Journal and Guide, which follows in full:

Discussion Prejudiced

"Judge James A. Lowell's recent decision in the George Crawford extradition case has provoked such widespread discussion, (much of which seems to be more charged with the venom of passion, prejudice and intolerance than calm and impartial reason), that I, too, am moved to add a few words of comment that may place the good judge in a little better light, at least among those who are disposed to be fair.

"The avalanche of criticism that has descended upon Judge Lowell appears to be predicated upon the erroneous conclusion that his decision was based upon a chain of more or less speculative assumptions and the meagre daily press dispatches that first heralded the decision somewhat tended to warrant such a conclusion.

"Had it been stated in the outset that the decision was a result of Judge Lowell's interpretation of the law as it applies to the agreed statement of facts submitted by counsel for both sides I feel certain the adverse comments, editorial and otherwise, would have been of a decidedly different tenor.

Statement of Facts

"The statement of facts from which the decision derives its greatest support and which seems to have aroused the keenest resentment in Virginia and elsewhere in the South was that the Judge of the 26th judicial circuit of Virginia and the Clerk of the Circuit Court of Loudoun County and the County Sheriff had agreed that they would testify that they had never known any Negroes to be called for jury service; that they had never served a writ on a Negro for such service or heard of anyone else doing so; and that they had never heard of a Negro being so served. To this Mr. Galleher, the prosecuting attorney for Loudoun County, also agreed that this was 'just an old Virginia custom.'

"Virginia and other southern state's public officials and newspaper editors blandly state with loud acclaim that Negroes have served on juries in the South and that no law bars them now. This is quite true but, alas and alack! it is not the whole truth.

The Whole Truth

"When the whole truth is told it reveals that it has been from 25 to 30 years since Negroes served on juries generally in the South and that while no statute actually bars them from such service the manner in which the laws governing the matter are administered Negroes are as effectively excluded from jury service as if the statuate explicitly stipulated that they should be and, to all intents and purposes, it is all the same as far as Negroes are concerned.

"Judge Lowell knew this for he had the admission of this fact before him from a high and eminently competent source. The United States Supreme Court has, on several occasions, held such practices contravene the 'due process' provision of the Fourteenth Amendment to the Constitution of the United States in that said amendment prohibits racial discriminaion in the selection of jurors. Judge Lowell based his decision upon the celebrated case of Neal vs. Delaware. All fair minded lawyers, who are familiar with this case, whether or not they agree with Judge Lowell's conclusions as he applies it in the instant case, must nevertheless agree that there is plenty of room for honest differences of opinion on this point.

An Overlooked Decision

"There is one other case that, it seems to me, could be cited with telling effect in support of Judge Lowell's decision. We find in United States Report 177 at page 442 reported the case of Carter vs. Texas where the Negro dependant, sentenced to death for murder, alleged that all Negroes were systematically excluded from the grand juries of Texas.

"The Supreme Court of the United States unanimously reversed his conviction and held 'if the defendant Negro showed proof of such systematic exclusion no conviction against him could be had by such unfairly constituted jury.'

"At page 447 in the same report the court said further: 'Whenever, by any action of a state, whether through its legislature, through its courts or through its executive or administrative officers, persons of African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the law is denied to him, contrary to the Fourteenth Amendment to the Constiuion of the United States.'

The Va. Practice

"This decision limits such exclusion solely to race and color, hence the question arises, are Negroes excluded in Virginia solely because of their race and color? Let us see!

"Section 5984 of the Code of Virginia, among other things, provides that 'ALL MALE CITIZENS OVER TWENTY-ONE YEARS OF AGE WHO shall have been residents of this state two years, and of the county, city or town in which they reside one year next preceding their being summonded to serve as such, and competent in other respects, except as hereinafter provided, shall remain and be liable to serve as jurors.....The following persons shall be disqualified from serving as jurors: First, idiots and lunatics; second, persons convicted of bribery, perjury, embezzlement of public funds, treason, felony, or petit larceny.'

"Jurymen, under Virginia law, are picked from a list selected and prepared by two jury commissioners who are appointed by the judge of the court in which they are to serve. Each Commissioner is required to take the following oath: 'I DO SOLEMNLY SWEAR THAT I WILL HONESTLY, WITHOUT FAVOR OR PREJUDICE, perform the duties of jury commissioner during the year ———; that I will select none but persons whom I believe to be of GOOD REPUTE FOR INTELLIGENCE AND HONESTY; that I will select none whom I have been requested to select, and that in all my selections I WILL ENDEAVOR TO PROMOTE ONLY THE IMPARTIAL ADMINISTRATION OF JUSTICE.'

"For a period of more than 25 years Negroes have not been summonded generally for jury service in the State of Virginia.

System Unconstitutional

"It is incredulous that Negroes in Virginia could have been so uniformly and universally omitted from jury lists for such a long period of time and with such clock-like regularity and precision by any other means than by deliberation and design.

"If this wholesale exclusion of Negroes from jury lists in Virginia has been effected by deliberate design then it seems to me the manner in which our jury system is administered in the state of Virginia runs counter with the holding of the United States Supreme Court in the case of Carter vs. Texas above cited, and, as Judge Lowell reasons in the decision in question, unless the Supreme Court should reverse itself it would be bound to set aside any conviction that might be had resulting from a trial of Crawford were he returned to Virginia, and, since Courts do not countenance idle ceremonies and do not knowingly become a party to the doing of a vain thing it would seem that Judge Lowell's decision is well founded: that if the writ of habeas corpus applied for had not been allowed and Crawford permited to be returned to Virginia to be tried before a jury constituted as the officers of Loudoun County admitted it is their custom and practice to constitute its juries, then a conviction resulting from such a trial upon appeal to the United States Supreme Court would have to be set aside and to use the language of Judge Lowell, 'If eventually why not now?'"

CAMDEN, N. J.
POST

APR 28 1933

NOT A QUESTION FOR CONGRESS

Several Southern Representatives are demanding the impeachment of Federal Judge James A. Lowell, of Boston.

Judge Lowell freed a Negro, wanted in Virginia for murder, and for whom extradition papers had been signed by Governor Ely of Massachusetts.

Counsel for the defendant asked a writ of habeas corpus, on the ground that **exclusion of Negroes from jury service in Virginia—as in most Southern States—is a violation of the Fourteenth Amendment to the Federal Constitution.**

Judge Lowell agreed. He granted the writ.

And sentiment in Virginia is in an uproar.

The way to settle the Constitutional issue involved here is not by ouster proceedings, but by an appeal to the United States Supreme Court—which will be taken.

In the Scottsboro case, the Supreme Court evaded that Southern jury issue. But subsequent miscarriage of justice in the retrial of the first of the defendants in that case, makes a settlement of the question urgent.

Judge Lowell may have erred in his decision. But after prejudice convicted that Scottsboro defendant of murder, and sentenced him to death, it is but natural that a judge, not moved by such prejudice, should be inclined to lean the other way.

In any event, the issue is for the courts, not Congress to decide. Impeachment of Judge Lowell would be a grievous blunder.

WASHINGTON, D. C.
HERALD

MAY 4 1933

DE PRIEST HITS LOWELL QUIZ

Members of the House were criticized sharply by Representative De Priest, colored, of Illinois, yesterday, for "premature" adoption of the resolution sponsored by Representative Smith, of Virginia, to investigate impeachment charges against Federal Judge James A. Lowell, who freed George Crawford, indicted for a double murder at Middleburg, Va.

De Priest declared adoption of the resolution was "hasty and ill-advised." He introduced a resolution calling for an amendment to the Fourteenth Amendment to the Constitution to give Federal courts authority to transfer a case to a court in another State when it is determined the defendant would not be given a fair trial because of race prejudice.

He said the resolution had no reference to the Crawford case, but was designed to prevent repetition of the Scottsboro case, in which the U. S. Supreme Court overruled the trial court because Negroes were not permitted to serve on the jury.

MONTGOMERY, ALA.
ADVERTISER

APR 29 1933

A Latter-Day Abolitionist

It is a curious thing to read of the action of the federal judge who freed in Boston, a Negro wanted on a murder charge in Virginia. The reason given by the judge was his opinion that the Virginia courts were incapable of trying the Negro in a just manner. Now a member of Congress from Virginia has risen in resentment against the Massachusetts judge. Claiming that the people of his State have been insulted, the Virginian announces that he will search the law books for grounds on which the Boston jurist might be impeached.

When it is learned that the Massachusetts judge is named Lowell, the matter becomes all the more interesting. If only the Virginian were named Hampden, Lee or Custis, we might swear that the years had been turned back to the quarrelsome era before the War Between the States. Unfortunately, the Virginian's name is Smith. That mitigates slightly against the complete success of the illusion.

One of the worst aspects of wartime propaganda is that it so often outruns the work that it is supposed to do. When such persons as John Brown, William Lloyd Garrison and the saintly Dr. Henry Ward Beecher were made useful in stirring up racial animosities in order to give the prospective War Between the States an effective mass appeal, it is very strange that more persons of that time should not have been able to recognize the patent falsity of the propaganda thrown at their feet. It has taken only about 15 years for most Americans to become fully aware of the false nature of the anti-German propaganda of the last war. Yet, the tales spread by such books as "Uncle Tom's Cabin" still persist in the emotional bias with which some of our Northern friends view racial questions in the South. The picture of a Lowell in Boston is not usually connected with the rabid type of prejudice which distinguished Bostonians of quite another class, such as William Lloyd Garrison. Can it be that this is the manner in which the Puritan conscience answers for the Sacco-Vanzetti case?

Bostonians lack a sense of humor. A slighting remark about their steamed clams at a banquet, however tough and tasteless the clams may be, is quite sufficient to dull the edge of conversation for several days. Bostonians like visitors to know as soon as possible the queer pronunciations which they give to some of their streets. What they call Tremont Street, for instance, is neither English nor Irish. Perhaps it is a kind of Puritanism in speech, for certainly they can brook no pronunciation other than their own. Provincial beyond belief, the Bostonians never realize that they are funny themselves, although they love to smirk at the peculiarities of other folk.

If Judge Lowell had a sense of humor, he would realize what a spectacle he has made of himself—not as a judge (far be it from us to pass upon the edicts of a court)—but as a Bostonian. From a purely human point of view, he has exhibited one of the most curious twists of the Puritan conscience, a perversion of the human souls which one might consider totally extinct by now, were it not for its occasional virulent outbursts.

The action of the New Jersey governor in refusing to allow Georgia officers to arrest the much-publicized "fugitive from a chaingang" has no direct bearing on this case. Evidence in the chaingang matter had been carefully reviewed by the New Jersey governor before he finally decided upon a course; obviously, the sympathy of the country had been aroused in favor of the fugitive, through the influence of his literary and dramatic talents. Perhaps the Boston jurist is not yet satisfied with the outcome of the War Between the States. Puritans have always had a perfectly terrible time in their efforts to control the rest of the world.—Birmingham News.

Asheville [illegible]
May 8, 1933

An Interesting View

Much of the comment on the now famous decision of Judge Lowell in the Crawford case has been accompanied by more heat than reason. The decision, it will be recalled, was to the effect that since the Virginia negro, Crawford, would be able in the Supreme Court of the United States to have a conviction for murder set aside on the ground that negroes do not serve as jurors in Virginia, it would be a futile thing to allow him to be extradited to Virginia for trial. Impeachment of the Massachusetts judge was immediately sought by the House of Representatives, where apparently the view was taken that an inferior judge is assuming undue authority when he undertakes to act upon what he considers would be a future decision of the Supreme Court of the United States.

Of course Virginia authorities consider their State outraged by Judge Lowell's decision, and their view is quite natural. The sovereign State of Virginia feels that it is entitled to have its dignity respected at the hands of the sovereign State of Massachusetts. But isn't Virginia the gainer in the situation as it now stands, if she can overlook the question of offended dignity? Why should Virginia care very much whether the negro is brought back and punished or not, if he is prevented from legally setting foot on Virginia soil? Why isn't it good riddance?

The interesting view is expressed by an eminent Boston paper that as a result of this case and the Burns case, involving the courts of Georgia and the Governor of New Jersey, if judicial procedure in the South is not changed, "it would seem that Northern States would then become sanctuaries for murderers escaped from the Southland." Savoring somewhat of the old fugitive slave laws and the famous "underground railroad," there is a decided difference. Fugitive slaves represented, under the laws of the period, property investment, and their return was eagerly sought by the Southern States in their efforts to protect the property rights of their citizens. But probably no Southern State has any interest, aside from maintaining justice and the upholding of its dignity and sovereignty, in the actual return of such fugitives as the negro murderer, Crawford. If they escape to Massachusetts, and are not permitted to come back to their native Southern State, isn't that punishment enough for the criminal and sufficient satisfaction for the State which is thus rid of them?

Perhaps it may come about, in the gradual development of the Lowell idea, that Massachusetts and other Northern States may become the Siberia to which fugitive criminals from the South may exile themselves, without serious objection by the average citizen of the South.

BANGOR, ME.
COMMERCIAL

MAY 2 1933

COOLING OFF

The South appears to be cooling off a bit in its agitation over the action of Judge Lowell in setting at liberty a negro who was wanted in Virginia to answer to a charge of murder. The first southern thought was that the Massachusetts judge took his action on the ground that a negro would not receive a fair trial in a state where negroes are not called upon for jury service, but now recognition appears to be given to the statement that Judge Lowell was following a former ruling of the United States Supreme Court.

Many will believe that a more sensible position for Judge Lowell to have taken would have been to permit the extradition ordered by Governor Ely and allow the Supreme Court to set a conviction aside, should conviction be obtained, and Judge Lowell's prediction as to the Supreme Court action hold, but certainly there is no ground for impeachment if the Massachusetts judge was but interpreting a decision of the highest tribunal of the land.

According to a statement by a correspondent of the New York Times, many thoughtful southerners believe that it would be wise for southern courts to begin calling negroes for jury service, and it may be that the attention called to the issue by the Lowell episode will be effective in accomplishing that object. Under the constitution negroes cannot be excluded from jury service by law but in several of the southern states members of the colored race are not so called upon the reason given being that they do not have the necessary qualifications.

GREENSBORO, N. C.
RECORD

APR 28 1933

Judicial Presumption.

The presumptious action of Federal Judge James A. Lowell, of Massachusetts, in the George Crawford case is amazing even when allowance is made for a certain amount of sectional prejudice on the part of this New England jurist.

In *habeas corpus* proceedings the judge freed this negro fugitive, charged with murdering two white women in Virginia, on the ground that even if Crawford is convicted in the Old Dominion, where negroes do not serve on juries, the United States Supreme court would nullify the verdict.

One might guess that the judge is a descendant of dyed-in-the-wool abolitionists and that he may have inherited prejudice in generous portion.

The legal papers calling for this fugitive's return to Virginia were in proper form, it appears, yet this New Englander, anticipating the possible action of a court entirely outside his jurisdiction declines to honor them.

The immediate reaction of Representative Smith, of Virginia, and of other southern representatives in Congress, to Judge Lowell's astonishing action, is by no means surprising. These southern representatives are demanding that the Massachusetts judge be punished by abolition of his office or by impeachment.

Governor Ely, of Massachusetts, had already granted Virginia the right to take the prisoner back to trial. Representative Dies (Texas Democrat) in a resolution offered in Congress describes Judge Lowell's act as a flagrant violation of his oath of office. Brig. Gen. William Mitchell, who lives in Virginia near the scene of the crime of which Crawford is accused, says of Judge Lowell's action: "Due to communistic elements and an unpatriot judge, justice has been thwarted."

Whether judicial prejudice will be permitted to continue to block justice remains to be seen.

Killings- 1933

Virginia

DEATH TOLL NOW 2; ONE IS WOUNDED

1-7-33

Officers "Shot In Line Of Duty," Official Verdict

Norfolk, Va.

ONE CASE IN COUNTY

Two Norfolk Victims Resisted Arrest, Police Say

Within the past two weeks two men have died, the victims of police revolvers, and another is a patient in a local hospital with a bullet wound in the right leg inflicted, according to a Norfolk County officer, when he attempted to break arrest after being charged with the theft of a quantity of coal.

The dead are John Harris of the 600 block of East Bute Street, for whose death Patrolman G. A. Bailey was exonerated at a Police Court hearing Friday of last week, and Harry Powell, alias "Ty Cobb," who was fatally wounded by Patrolman W. A. Dillard in Franklin's Court shortly before ten o'clock Saturday night. The wounded man is Waverly Mitchell of South Norfolk, who was shot by County Officer Grimes early Sunday night.

Officer Dillard was freed of a technical charge of homicide in connection with Powell's death following a hearing in Police Court Tuesday afternoon, less than thirty minutes after he had been exonerated by Dr. C. D. J. Macdonald, city coroner, at an inquest into the death. In both cases it was held that the officers brought their guns into play "in line of duty." Harris was shot after he is alleged to have broken into the Foote Brothers warehouse on Water Street.

Shot In Line of Duty

Officer Bailey testified that he saw Harris going down an alley in the vicinity of the warehouse and that he shot him only after he failed to heed his commands to halt. The dead man was described as "an escaping felon" at the hearing.

The coroner held that Powell "died at St. Vincent's Hospital on December 31 at or about 12:35 a. m. of a hemorrhage of the abdomen subsequent to pistol shot wounds in the abdomen; said pistol being in the hands of Officer W. A. Dillard.

The coroner stated that from the testimony gathered, it was his belief that the officer fired his gun "in defense of his life, and in line of duty." In addition to Officer Dillard, only one other witness, Officer Leon Nowitzky, coroner's investigator, testified. Mr. Nowitzky testified at both the coroner's inquest and police hearing that he had been unable to find any witnesses to the shooting.

Riot Gun Threat

Officer Dillard stated that the shooting occurred about 9:45 o'clock Saturday night in Franklin's Court after he had attempted to place Powell under arrest on a charge of carrying whiskey, and after he had been threatened with a riot gun which the officer said was concealed in Powell's coat.

Negro Held in Boston Is Wanted for Murder

Evening Ledger 1-18-33

BOSTON, Jan. 17.—(AP)—An analysis of fingerprints, police said today showed that a negro arrested here for a local robbery is the fugitive sought for the murder at Leesburg, Va., of two white women a year ago.

The negro, who gave Detroit names of Joseph Crawford and Charles Smith, was arrested Friday, charged with robbing a Roxbury store. His fingerprints, which were analyzed at the state house, were identified as those of George Crawford wanted for the murder of Agnes B. Illsley and another white woman in the Virginia community.

The local police authorities immediately notified Sheriff John Gallagher, of Loudan, Va., who requested that Crawford be held pending the arrival of officers from that state.

Negro Accused In Double Killing Fights Extradition

Evening Ledger 1-22-33

BOSTON, Jan. 21.—(AP)—Plans for the early return to Virginia of George Crawford, 26-year-old negro, charged there with the slayings of two women today were upset with the refusal of the prisoner to sign extradition papers.

Since his identification here several days ago as the man wanted for the killing of Mrs. Agnes Ilsley, Virginia sportswoman and her maid, Mrs. Nina Buckner, Crawford had indicated a willingness to return to Virginia for trial. He refused today, however, to sign papers presented to him by John Galleher, Commonwealth attorney for Loudon County, Va.

When informed of Crawford's stand Massachusetts officials set next Tuesday as the date of a hearing on Virginia's request for his return. Crawford has denied the killing of the women, saying they were beaten to death by an accomplice known to him only as Charlie Jackson, while they ransacked the Ilsley cottage near Middleburg, Va., on Jan. 13, 1932.

ALIBI IS OFFERED BY NEGRO ACCUSED IN VIRGINIA KILLING

Constitution

BOSTON, Feb. 7.—(AP)—Testimony designed to show that a negro known as George Crawford might not obtain a fair trial in Virginia on a charge of murdering two women and that he was in Boston at the time of the double slaying was introduced at an extradition hearing today.

2-8-33

The state of Virginia seeks to have the negro, variously known in Boston under the names of Charles Smith, James Taylor and Crawford, extradited to stand trial for the slaying of Mrs. Agnes Boeing Ilsley, prominent sportswoman, and her maid, Nina Buckner, in Middleburg, Va., January 13, 1932.

Several Boston negroes today testified that Crawford was in Boston late in 1931 and in 1932. Three of them positively placed the man, now held in jail in Boston, in this city during January, at about the time Mrs. Ilsley and her maid were beaten to death in a cottage on Mrs. Ilsley's estate.

Counsel for Crawford placed Miss Helen Boardman (white), of New York city, an investigator for the National Association for the Advancement of the Colored People, on the witness stand and she testified that residents of Middleburg and vicinity had told her they believed someone was being "covered up" in connection with the slayings.

NEGRO IS SUPPORTED IN MURDER CASE ALIBI

Constitution

BOSTON, Feb. 8.—(AP)—The whereabouts of George Crawford, negro, in January, 1932, was a major problem facing Massachusetts authorities tonight, at the close of a hearing on the request of Virginia to have Crawford returned to face trial for murder.

2-9-33

Virginia seeks the rendition of Crawford to face trial in connection with the murder of Mrs. Agnes Boeing Ilsley, wealthy sportswoman, and her maid, Nina Buckner, January 13, 1932, in a cottage on Mrs. Ilsley's estate in Middleburg, Va.

During the hearing, the testimony of witnesses from Virginia, was introduced to show that Crawford was seen in the vicinity of Middleburg shortly before the slayings.

Atlanta

Counsel for Crawford, opposing his extradition, called seven Boston negroes to testify that Crawford was in Boston from the fall of 1931 until his arrest a month ago on a charge of breaking into and entering a Boston store. Three of them said definitely that Crawford was in Boston in January, a year ago.

Crawford Case To Be Decided Today

Chronicle 2-11-33

Startling Information Revealed at Hearing at State House on Tuesday

Boston,

The hearing of the extradition case of George Crawford, who has been demanded by the State of Virginia, was continued at the State House on Tuesday before Assistant Atty.-General Stephen D. Bacigalupo. Up to a late hour on Friday evening a report had not been sent to the Governor from the Attorney General's office.

The local N. A. A. C. P and Butler R Wilson, president of the Boston branch, in charge of the case, disclosed the investigation of Miss Helen Boardman.

It was learned that mysterious influences, said to be backed by powerful, wealthy friends of Paul Boeing, brother of Mrs. Agnes Boeing Ilsey, who with her maid, was murdered in Middleburg, Va., January 13, 1932, are seeking the return of Joseph Crawford, the dead woman's servant, from this city to Virginia to stand trial for the double murder.

This assertion was the burden of the detailed report placed in the hands of Butler R. Wilson and J. Weston Allen, attorneys for Crawford, by the New York office of the N A A C P which sent Miss Helen Boardman, a white investigator to Leesburg and Middleburg, Va, last week, to personally interview people at the scene of the crime.

Most of the people interviewed declared there would have been a lynching if Crawford had been caught soon after the crime, but the feeling is that there is no danger of a mob now. General William Mitchell, former head of the army corps, who lives in the vicinity, stated: "If we had found him (Crawford) then, there would have been a burning."

Several white said there would be no lynching if it was left to the rank and file of people as there was no sentiment among them, but these persons hinted that maybe the wealthy whites on the estates in the vicinity might "hire a lynching party" in order to get Crawford out of the way and close up the case.

It is believed by some whites that Crawford is being used as a smoke screen to cover up a possible connection with the case of Paul Boeing, brother of the dead woman.

White Virginians Talked Too Much

Gen. William Mitchell, former head of the U. S. Army Aviation, who, according to Miss Boardman, had asserted that Crawford would be lynched had he been caught, denied his statement.

Mayor Luck of Middleburg, Va., and Roy Seaton, who also did not know that Miss Boardman was an investigator, also sent stout denials.

George Crawford, who is being held at Charles Street Jail denied that he made a confession to the police.

Negro's Lawyer to Ask Writ on Extradition

Constitution

BOSTON, Feb. 17.—(AP)—A court contest to prevent extradition to Virginia of George Crawford, 28-year-old negro, wanted there for the slayings of two women, appeared imminent tonight. Governor Joseph B. Ely today granted Virginia's request for Crawford's extradition.

2-18-33

J. Weston Allen, former attorney-general of Massachusetts and chief counsel for Crawford, said he was considering asking for a writ of habeas corpus as the first step in a movement to nullify Governor Ely's action. Such a petition would place the case before the supreme court of Massachusetts or the federal courts.

Confession Denied by Crawford—Lynching Feared if Returned

MISS BOARDMAN REPORTS HER INVESTIGATION IN VA. — ALLEN GETS IN LETTER RECEIVED BY TROTTER—CRAWFORD HERE IN JAN. 1932

On Tuesday, Feb. 7th, the continued extradition hearing reopened for battle at the State House against the extradition of George Crawford, alleged "fugitive from justice" from Virginia, before a Mass. Asst Attorney-General, primarily on lega grounds by N.A.A.C.P., with the Nationa Equal Rights League assisting, but emphasizing the denial of justice and life-protection side, which forced itself to the front ever in the National Association fight.

The chief feature was the report of Miss Helen Boardman, white, of her investigation on the ground, which confirmed the confirmed the contention of both organizations that there was danger of injustice and lynching, which brought Associated Press denials by those she quoted, of course; another was Crawford's denial of a confession; another placing of Crawford in Boston by several Colored Bostonians, at time of crime, especially young Irving Washington who remained firm and clear; another the getting into the record over Virginia representatives opposition of a letter received from the scene of the murder by Secretary Trotter of the Rights League without exposing the signature. Asst. Atty Gen. Bacigaloupa insisted on being allowed to see the original, himself, and Trotter delivered it to Attorney J. Weston Allen to show him in confidence, as Mr. Gallagher of Virginia had said the Colored people of Middleburg favored extradition and this letter showed they did not, espcially, without protection.

Mrs. Mary Fraction, Executive Committee member of the Boston Branch, was a witness that Crawford roomed at her house. She was escorted to th State House and back by Mr. M. Cranath Simpson, officer of the League. Secretary Trotter, at request of Mr. Wilson left the hearing and brought Mrs. Thompson as a witness, also nduced Basil F. Hutchins to attend as witness. Mr. Bacigaloupa's report is now in Governor Ely's hands.

MISS BOARDMAN TELLS OF HER INVESTIGATION — COLORED SAW CRAWFORD HERE IN 1931 AND 1932

Testimony was offered, at an all-day hearing Tuesday before Asst. Atty. Gen. Stephen D. Bacigalupo at the State House, that George Crawford, Colored whose extradition is sought by Virginia authorities, was in Boston at the time he is alleged to have murdered two women. The date of the crime was Jan. 13, 1932.

At adjournment of the hearing it was stated that Asst. Atty. Gen. Bacigalupo, John Galleher, District Attorney of Loudoun County, representing the Gov. of Virginia, and Ex-Atty. Gen. J. Weston Allen. attorney for Crawford, would interview Crawford at 10:30 Thursday morning at Charles Street Jail.

There also appeared before Asst. Atty. Gen. Bacigalupo in Crawford's behalf Miss Helen Boardman, investigator for the National Association of the Colored People.

Miss Boardman said that Middlesburg, Va. where the murder took place, would have been the scene of a lynching had Crawford been found following the murder of Mrs. Agnes B. Ilsley, wealthy sportswoman, and Mrs. Nina Buckner, her maid.

"Would have been burned"

"Many of the persons interviewed," Miss Boardman said, "felt something was being covered up and said the whole county would be at the trial. They believed he had no chance of acquittal and it would be better if he were tried in Alexandria. Many believed he would be railroaded to the chair as sure as fate. The residents, interviewed, believed the lynching would be by the rich people."

The investigator said she was unable to fine anyone in the town who recalled seeing Crawford there at the time of the murders. Several of the townspeople, the investigator added believed "if Crawford had anything to do with the murders, he was only an accomplice."

Under cross-examination by Mr. Galleher, witness said she could not give the full names of many of those interviewed.

Boston Witnesses

Ernest A. Lewis drug clerk in a Tremont St. Boston, store, testified to knowing a man named Joseph Crawford. He also knew the man as Charles Smith. He said Smith came into his store begging money for food. The last time he saw the man, he said, was in February of 1932.

Jennie Thompson of 558 Columbus Ave. lodging house operator, testified that a man who registered as Charle Smith of Florida came to her home in September of 1931 and remained there with his wife for seven or eight months. The last time she saw him she said, was in February, 1932.

Basil Hutchins, funeral director and garage owner, said he knew a man named James Taylor who also was known as Charles Smith. In November of 1931, Hutchins said, Smith came to his garage seeking work. He said he put him to work assisting some plumbers and that he worked for him until some time in December. Witness said he did not see Smith for "two, three or four weeks" after that. He wasn't sure of the time but did see him after that period carrying plumber's tools. Smith told Hutchins, the latter said, that he came from Florida.

Slept with Crawford in Jan.

Irving Washington, 18, of 1052 Tremont St. testified that for three weeks in January, 1932, he slept with Charles Smith in the boiler room of Hutchins' establishment. He identified Crawford's photograph on the Virginia circular as that of the man he knew as Charles Smith.

Smith was very poorly dressed, he said, and obtained his food daily at the Salvation Army building. He said Smith was with him every night for the three-week period. Later, witness said, the three weeks were the last three in the month. The crime was committed Jan. 13, 1932.

Mary S. Fraction of 205 West Springfield St., Boston, operator of a lodging house, testified that Charles Smith registered at her home Nov. 7, 1931, and left Dec. 19. She said she hadn't seen him since.

Anthony Bailey of 111 Kilsyth road, Allston, knew Charles Smith and testiged in seeing him in Boston in January, 1932. He said he gave Smith food and clothing on the second Sunday of January and on the following day saw him on Warwick St.

Augustus Rogers, 64 Cabot St. operator of a plumbing shop at 1082 Tremont St., testified to employing Charles Smith in November, 1931. He said he saw Smith on Tremont St. in January.

COPY OF A LETTER FROM LOUDOUN CO., VA. FURNISHED BY WM. M. TROTTER, SECRETARY OF THE NATIONAL EQUAL RIGHTS LEAGUE

Virginia, Feb. 1 ,1933.

"Mr. Wm. M. Carter, Sec'y. American Equal Rights League, Boston, Mass.

Dear Sir, In behalf of Loudoun County, Va. I must thank you and your league for the wonderful fight you are putting up in the defense of George Crawford to see he will get protection and justice should they return him back here.

"May I say the case of George Crawford is very peculiar. When the County Conor Jurors held its inquest Dr John Gibson spoke for the County paper Jan. 15 and 22, 1932, saying "there wern't any signs of rape or burglers."

"Then these two criminals, by names Gen. Jackson and Busrod (both served time) for Jackson he killed a man and Busrod he shot a man. They claim they saw Crawford night before the crime. It seems so strange a small village as Middleburg is and they are the only ones saw Crawford. This white guard claims he saw him a few days before the crime, no one ever heard of that Guy saw Crawford until he said so up there. The issues of the County paper (Loudoun) Jan. 15 and 22, 1932 plainly show what a bad mob spirit was around here. One part of Middleburg where most of the Colored live called "Windy Hill" the mob paraded there for several nights threaten to blow it up. I am trying to find copy of the paper so I can send you. Any datter I send you why write me and keep it under as **mob spirit is still here** since the County officers failed to bring Crawford back with them. We are not upholding Crawford, but it is a doubt in mind of better class people around here that if he did do it he was paid and some one higher up was behind him and if he is returned here **mob may carry out the law before he can tell all.**

Yours very truly.

MASS. GOV. TO GRANT VA. PLEA FOR CRAWFORD

By C. ELLIOTT FREEMAN Jr.

BOSTON, Mass., Feb. 23—The National Association for the Advancement of Colored People lost the first round in their fight to prevent the extradition of George Crawford to the State of Virginia. Governor Joseph Ely announced Friday evening that he would honor the request of Virginia for the extradition to that State of Crawford, who is wanted for murder in connection with the slaying, a year ago, of Mrs. Agnes Boeing Ilsey, of Milwaukee, and her maid, at Middleburg, Va.

The governor said he had been given assurances on high authority and by officials whose opinion and integrity he had the greatest respect for, that Crawford, who was arrested here last month, would be given a fair trial and protection of the law.

In a last effort to prevent Massachusetts from turning Crawford over to the Virginia authorities for trial, Attorney Butler R. Wilson, president of the local branch of the N. A. A. C. P., asked the Federal Court Saturday for a writ of habeas corpus.

Since Crawford was placed in Charles Street jail, Virginia officers claim he has confessed to them that he killed the two women, but later his attorneys, Butler R. Wilson and J. Weston Allen, former attorney general for the State of Massachusetts, denied he made any such confession.

The N. A. A. C. P. waged a bitter fight in the hearings before Assistant Attorney General Stephen D. Baciaglupo at the State House in an effort to prove that Crawford was in Boston at the time he is alleged to have murdered the two women. The date of the crime was January 13, 1932.

Many witnesses were introduced to prove that Crawford was living here when the murders occurred. The most sensational testimony offered by witnesses in Crawford's behalf was that of Miss Helen Boardman, investigator for the National Association for the Advancement of Colored People. Miss Boardman said that Middleburg Va., where the murders took place would have been the scene of a lynching had Crawford been found following the murder.

"Many of the persons interviewed," she said, "felt something was being covered up and said the whole country would be at the trial They believed he had no chance of acquittal and it would be better if he were tried in Alexandria Many believed he would be railroaded to the chair as sure as fate The residents interviewed believed the lynching would be by rich people."

Killings-1933

Virginia

THIS CLIPPING FROM THE
NORFOLK, VA.
VIRGINIAN-PILOT
MAY 16 1933

The Other Side of the Lowell Case

Reprinted from the Nation

(The following article, from the Nation, supports the decision of Federal Judge James A. Lowell, of Massachusetts, in the habeas corpus proceedings on behalf of George Crawford. It raises legal and procedural questions of importance to Virginia—Editor, Virginian-Pilot).

Judge James A. Lowell of the Federal District Court of Massachusetts has rendered a decision of far-reaching import. It has precipitated impeachment proceedings and become a nation-wide issue. On resolution of Representative Howard W. Smith, of Virginia, the House, 209 to 150, voted an investigation by its judiciary committee of the judge's granting a writ of habeas corpus to George Crawford, colored, under indictment in Virginia for the murder of Mrs. Agnes Boeing Ilsley. Whatever may be the legal technicalities of the case, Judge Lowell has, in effect, challenged the jury system as it applies to the trial of Negroes in the South, and the implicit sixty years' violation of the Constitution of the United States. The first clause of the Fourteenth Amendment declares that no State shall "deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." It is possible that the case of George Crawford may become historically no less momentous than that of Dred Scott.

The general basis for Judge Lowell's decision refusing the extradition sought by Virginia, and already granted by Gov. Joseph B. Ely, lies in the refusal of the State of Virginia to permit well-qualified Negro jurors to sit on juries. In Crawford's case that issue had been raised and not disputed. It had been agreed between counsel for the State and the defense that Judge Alexander, circuit judge of the Twenty-sixth Judicial Circuit of Virginia, which includes Loudoun County where the crime was committed, Edward O. Russell, clerk of the Circuit Court, and Eugene S. Adrian, sheriff of the county, would testify that none of them had ever known "of any Negro to be called for jury duty or to serve on any jury in Loudoun County." To this, Judge Alexander added that he knew there were Negroes in Loudoun County who met the common law and statutory requirements of grand jurors, and had no doubt there were Negroes in the county who further measured up to the standards which he himself in his discretion had established for grand jurors of the county, but he had never investigated the qualifications of any Negro for jury duty.

Having first ruled that the foregoing facts were admissible as evidence, Judge Lowell, applying the Supreme Court decision in Neal vs. Delaware, granted the writ. In that case, the question was raised whether the exclusion of qualified jurors of colored blood possessing all the requisite qualifications was not a violation of the Constitution and laws of the United States. Based only on the prisoner's uncontradicted affidavit, Mr. Justice Harlan answered the question affirmatively, saying in part: "The fact . . . that no colored citizen had ever been summoned as a juror in the courts of the State . . . presented a prima facie case of denial . . . of that equality of protection which has been secured by the Constitution. . . ."

In the case of Neal, there had been merely a presumption of exclusion of colored jurors. In the Crawford case, there was no room for presumption. Judge Lowell was therefore confronted with two question: first, whether he should ignore the agreed facts as he was urged to do by the Massachusetts Assistant Attorney General, who alleged that certain decisions of the Supreme Court rendered such facts irrelevant; and, second, if he did admit the facts, whether they would require him to grant the writ. To be sure, certain recent decisions of the Supreme Court (Drew vs. Thaw, Biddinger vs. Commissioner of Police, and Hogan vs. O'Neill) seemed to indicate that a Federal judge on habeas corpus an extradition cases is narrowly limite in the facts which he has a right t consider. Nevertheless, it has not bee decided by the Supreme Court tha facts showing that an indictment wa void because found by a grand jur impaneled in violation of the Consti tution of the United States may no be considered on habeas corpus i extradition proceedings. And it woul seem arguable that such a decisio could scarcely be made, for the warran of extradition depended upon th existence of an indictment constitu tionally sound, however imperfectl expressed. Without that, Governo Ely's warrant of extradition would seen to be void.

It is true that the decision In r Wood (140 U. S. 278) seems opposed t this view. That was a case where habeas corpus was sought, after a conviction in the State Court, on the ground that the grand jury that found the indictment was improperly impaneled. It was thus sought to make the writ of habeas corpus serve the purposes of a writ of error; and it was held that that could not be done. But the opinion in that case preserves the discretion of the Federa Court on habeas corpus referred to in Ex parte Royall (117 U. S. 241) where the writ is brought before trial.

It has been necessary to refer to these decisions to show that Judge Lowell was confronted with a novel and difficult question of law, requiring careful analysis of a considerable number of decisions of the Supreme Court not entirely easy to reconcile. He decided to consider the agreed facts That presented the second question and brought the case of Neal vs. Delaware into operation. Judge Lowell decided that that decision required him to hold that the indictment was void The result was that the writ had t be granted and the prisoner discharged

The decision has already had on extra-legal effect. The discrimination suffered by the Southern Negro, not merely socially and economically but before the law, has been more widely publicized than in any other single episode in a generation. It comes with dramatic coincidence in the immediate wake of the Scottsboro case. And there is evidence, despite the unseemly vitu peration on both sides in the House debates, that the soberer and more enlightened opinion in the South may not prove unresponsive to the challenge. In the New York Times, Virginius Dabney, a distinguished younger son of the Old Dominion and the author of the recent volume "Liberalism in the South," wrote that the Lowell decision had "brought many Virginians and other Southerners to a realization that something probably will have to be done about the Southern jury system. The attitude of many thoughtful Southerners . . . is that it would be wise for Southern courts to begin calling Negro jurors from time to time." It would be the part not only of wisdom, but of elementary justice, and a belated effort toward vindicating the immortal Declaration written by the greatest of all Virginians.

THIS CLIPPING FROM THE
JOURNAL
St. John, N.B.
MAY 11 1933

NO NEGRO JURORS

(Toronto Mail and Empire)

A Massachusetts judge has refused to permit the extradition of a negro, charged with murder to the State of Virginia on the ground that negroes are excluded from jury service in that state. The judge may have exceeded his authority, but at least he has called nation-wide attention to the deadly discrimination of which, in spite of the United States Constitution, negroes are the victims in many southern states.

Decision Is Withheld In Returning of Negro

BOSTON, May 23.—(AP)—The battle of George Crawford, 21-year-old negro accused of slaying two white women, to escape return for trial in Virginia, waged today with the federal court of appeals here.

At the end of a day given over entirely to consideration of whether the indictment of Crawford in Virginia was invalid on the ground custom barred negroes from service on the grand jury there, Judge George Kingsham, presiding justice of the circuit court, announced decision would be reserved.

NEW YORK SUN

AUG 31 1933

PLEAD FOR CRAWFORD

Counsel Asks High Court to Quash Extradition Order.

WASHINGTON, Aug. 31 (A. P.). George Crawford, Negro, under indictment in Loudon county, Va., for the murder of Agnes B. Ilsley and Mina Buchner, today asked the Supreme Court to set aside an order of the First Circuit Court of Appeals ordering him to be held at Boston, Mass., for extradition and trial.

This is the case in which Federal District Judge James A. Lowell in Massachusetts ordered the release of Crawford on the ground Negroes did not serve on Grand Juries in Virginia and would not serve on the trial jury. Shortly after his ruling impeachment resolutions were passed in the House ordering an investigation of his conduct.

J. Weston Allen and Butler R. Wilson, counsel for Crawford, urged the high court today to pass on whether Virginia's practice of excluding Negroes from grand juries constituted such an infringement of the constitutional rights of Crawford as to warrant refusal to extradite him.

NEW YORK TIMES

SEP 1 1933

ASK SUPREME COURT TO ACT ON CRAWFORD

Counsel Carry Extradition Appeal Higher, Seeing 'Grave Public Concern' in Issues.

WASHINGTON, Aug. 31 (AP).—The Supreme Court was asked today to decide whether George Crawford, Negro, must return to Loudon County, Va., to stand trial under an indictment charging him with the murder of Agnes B. Ilsley and Mina Buckner at Middleburg, Va.

This is the case in which Federal Judge Lowell ordered the release of Crawford, held under arrest at Boston, Mass., for extradition to Virginia. Judge Lowell's ruling that the indictment was illegal because returned by a grand jury from which Negroes were excluded, and his order directing the release of Crawford resulted in introduction of an impeachment resolution in the House.

The first Circuit Court of Appeals in reversing the ruling of Judge Lowell and directing that Crawford be held for extradition declared that the question of the validity of the indictment should be raised in the trial court in Virginia and not in the Federal courts in Massachusetts. It pointed out that Crawford's rights would be fully preserved by his return to Virginia and by appeal should the trial court sustain the indictment.

Counsel for Crawford in filing the petition today urged the highest court to decide the questions raised by Judge Lowell's ruling, pointing out that it had never passed on them and suggesting that its decision would be particularly timely in view of the impeachment proceedings.

Crawford Case Before 3 U.S. Judges

Counsel Aver Virginia Invoking Constitution Only To Violate It

The Circuit Court of Appeals, presided over by Circuit Judge George W. Bingham, convened in extraordinary session on Monday to hear arguments in the case of George Crawford, young Virginia Negro, who, with the aid of the National Association for the Advancement of Colored People and the National Equal Rights League, is resisting extradition to Virginia to be tried for the double murder of two white women in Loudoun County. The case became of national prominent when Judge James A. Lowell granted to Crawford a writ of habeas corpus upon the grounds that the indictment upon which his extradition was sought was faulty in that it was returned in violation of the 14th amendment to the Constitution of the United States.

Able Counsel

The State of Massachusetts was represented in the hearing by George B. Lourie, assistant attorney general of the State, while Crawford's interests were in the hands of J. Weston Allen, a former attorney general of Massachusetts, and Butler R. Wilson, president of the Boston chapter of the N.A.A.C.P. Lourie contended that the district judge had exceeded his power in granting the writ in that the only questions which properly before Judge Lowell were whether Crawford was the man wanted and whether the extradition papers were in proper form. He attacked the agreed statement of facts as immaterial in such proceedings and demanded the return of Crawford to Virginia for trial.

Wilson Argues

Butler R. Wilson, prominent Negro lawyer of Boston, followed the assistant attorney general and cited numerous decisions of the Supreme Court of the United States regarding invalidity of indictments drawn by grand juries where Negroes had been excluded. He showed that in Loudoun County less than 20 per cent of the Negroes in that county were disqualified for jury service because of illiteracy, but despite this fact a Negro could only be drawn by mistake, and that "such an error never occurred." Wilson was questioned by the court as to whether a white man tried in Virginia might not raise a similar question to the one being advanced by Crawford, and quickly rejoined that the courts have already passed upon that question. The brilliant Negro lawyer made an able argument in behalf of his client, showing great familiarity with the law points and legal precedents in the case.

Former Attorney General Closes for Crawford

The argument for Crawford was closed by J. Weston Allen, former attorney general of Massachusetts and one of the ablest lawyers at the bar in that State. Allen maintained that Judge Lowell acted within his authority in granting the writ and quoted freely from the revised Federal statutes in substantiation of his contention. Proceeding, the lawyer said: "In the case at bar the State of Virginia is seeking to acquire a jurisdiction not yet possessed, and its very request for the return of the petitioner is tainted by a flagrant violation of the Constitution in denying to the petitioner in the method of procuring his indictment that equal protection of the law which it was the purpose of the 14th amendment to secure to the Negro race.

"The State of Virginia in requesting extradition invokes the Constitution in order to secure the return of the petitioner to proceed against him in defiance of the Constitution."

Virginia Attorney General Absent

Attorney General Saunders did not appear at the hearing as was expected, and Virginia's case was presented by Commonwealth's Attorney John Galleher of Loudoun County.

Reserves Decision

At the conclusion of the hearing, the presiding judge announced that the court was reserving its decision in the case and it is not determined at this time when a decision can be expected. It is definitely settled, however, that regardless of which way the decision in the circuit court leans, the case will find its way to the Supreme Court of the United States.

J. C. Carter Says Virginia's Jury Practice And Not Her Law Is Real Question Now

Danville Attorney Gives His Interpretation of Issues In Controversy Started By Judge Lowell's Decision

Virginians and others who have criticized Judge James A. Lowell of the Federal District Court at Boston for his decision freeing a Negro wanted by Virginia for murder, because colored jurors are not permitted to serve on juries in this state, are "barking up the wrong" tree when they argue about the jury laws of the state, declares J. C. Carter, prominent Danville, Va., attorney, in a statement to the Journal and Guide this week.

Nobody who is acquainted with the facts is insisting that Virginia laws on the jury question are unconstitutional as drafted, he says. The thing which is unconstitutional is the administration of the law which results in discrimination against prospective jurors on account of their race or color.

Text of Statement

Mr. Carter's statement follows in full:

Why all the noise and apparently general excitement regarding the action of a Massachusetts judge in what has become known far and wide as the "Crawford case?" Many years ago the old English kings, especially the Stuarts, had a habit of having locked up in jail any British subject whose political views happened to be contrary to those of the sovereign, and it has been well said that "the evasions and abuses practiced by the judges (at the instance of the crown) to detain state prisoners in prison, gave birth to the Habeas Corpus Act."

Writ Highly Regarded

In those far off days a man could be cast in prison and there he might remain till he rotted unless it were the pleasure of the monarch to order his deliverance. There are many kinds of writs of habeas corpus, each answering a different purpose, but there is one writ in particular which is held in such high esteem by reason of the "nobler uses to which it is put" that "by way of eminence" it is commonly called the "Writ of Habeas Corpus" to distinguish it from all other writs of like name, but used for different purposes.

It is over the granting of what has been justly termed the great "writ of liberty" that the winds of vituperation blew, and around which storms of passion raged. To hear some people talk, and to read some of the newspaper articles written regarding the judge's course in the Crawford case, one might well imagine that habeas corpus is something new, but for hundreds of years the writ has been sued out in England and America for the purpose of having a person who was restrained of his liberty brought before a judge at a "certain time and place with the day and cause of his caption and detention. to do, submit to, and receive whatever the court or judge awarding the writ shall consider in that behalf."

Defends Recourse to Law

Does any man commit a legal or moral wrong when he calls on the law to determine whether or not his liberty is illegally restrained? And who, or what, is to determine the question if it be not a ujdge or a court? It is said that "the office of the writ of habeas corpus is to afford the citizen a speedy and effective method of securing his release when illegally restrained of his liberty." And should it be determined by the proper tribunal that the citizen was illegally restrained of his liberty, why swear at the judge if he should say: "The writ is allowed." Though the judge should be wrong in his decision in allowing the writ. The Big Noise grew out of the charge by whom is that to be determined? Is its legality to be determined by Congress or by the courts? Is not the action of an inferior court judge reviewable by a higher court? If so, what harm can possibly result from awaiting the outcome of orderly legal procedure?

Big Noise About Nothing

Before the record in the proceedings in the Crawford case in Massachusetts had been examined, there was a demand for the impeachment of Judge Lowell, and it has since developed that all the Big Noise was not on what the record in the case actually showed, but what was said in a mix-up of words between the judge and the counsel for Virginia, and the counsel for Crawford.

The Federal Constitution provides that "The President, the Vice President and all civil officers of the United States may be removed from office on impeachment for, and conviction of treason, bribery, and other high crimes and misdemeanors." All that the record in the Crawford case show is "The writ is allowed." The question is, do the words of the record constitute treason, bribery, or "other high crimes and misdemeanors?"

Impeachment For What

If the records in the case do not show Judge Lowell at least prima facie guilty of treason, bribery, or "other high crimes and misdemeanors," then upon what is an impeachment to be bottomed? Is it to be assumed that the Senate of the United States is going to convict a Federal judge for determining a matter brought before him in a manner which to him seemed just and right? Is a Federal District Court to be abolished, and the people, resident of and domiciled therein, to be deprived of having their rights adjudicated because some judge said something with which somebody in Texas disagreed?

Congress may ordain and establish courts inferior to the Supreme Court but it has not the power to control a judge's action to the extent of determining the character of the language to be employed by a judge in the midst of a discussion of a question of law between judge and counsel, neither can Congress determine the kind of judgment to be rendered.

Accuser And Impeacher

If a Federal Judge is guilty of an offense that is declared to be treason, bribery, or other "high crimes and misdemeanors," he is liable to be impeached—but it seems to me to be highly improper for a member of the grand jury (in this case, the House of Representatives) which is to draw the indictment to lead in the cry for impeachment or to demand punishment even before the indictment is returned. Negroes do not serve on juries in Virginia, and who says that they do? If the charge is true, then why do the heathen rage? If the charge is not true, what is there to be furious about? I think it were better to take time off to prove that somebody has been guilty of falsehood than trying to make the world believe that the truth is something else.

"Ought To Be Quiet"

Some of our wise men should read the speech of the Town Clerk of Ephesus. He came down and asked: "Ye men of Ephesus, what man is there that knoweth not how that the city of Ephesus is a worshipper of the great goddess Diana, and of the image which fell down from Jupiter? Her laws are not to be complained of; against, ye ought to be quiet, and do nothing rashly."

Now, if Negroes do not serve on juries in Virginia, and this be a fact that cannot be complained of; successfully contradicted, and if they do not, then talking about impeachment of judges and the abolishment of judicial districts will not get Virginia

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Killings-1933

Virginia

Atty. Houston Wins Loudoun County Citizens' Respect; Use of Colored Lawyers Regarded As Wise Move

By THOMAS W. YOUNG
Journal and Guide Staff Writer

LEESBURG, Va. — Charles H. Houston, chief of four attorneys retained by the National Association for the Advancement of Colored People to defend George Crawford in the famous murder case here December 12, has won the "genuine admiration" of Loudoun County citizens, according to several important officials connected with the trial.

To be sure, there was some bitterness against him in this vicinity but that was because of the deep-rooted opposition to the cause for which he argued so eloquently. The majority of white people hereabouts, however, looked upon the acting dean of the Howard University law school with unstinted respect for his genius.

An unprecedented atmosphere of cordiality in Southern courts where white and Negro lawyers are pitted on opposite sides toward its latter stages relieved the tenseness prevailing when the hearing opened. When it was all over, there was handshaking and unqualified expressions of commendation.

Took Chance—But Won

The N. A. A. C. P. took a big gamble when it placed the entire matter in the hands of Negro lawyers. But it won a great victory. There is no doubt—and this belief was voiced by white officials—that Crawford's chances are 100 per cent better because of his able Negro counsel.

And this, despite the fact that Mr. Houston never made a single concession to Southern tradition in his conduct of the case. Throughout, he invariably addressed all witnesses, colored and white, as "Mr. So and So." He so introduced Leon A. Ransome and James G. Tyson to the court at the conclusion of Tuesday's session. Mr. Ransome and Mr. Tyson were administered the formal oath when Mr. Houston informed the court that they would participate in the defense of Crawford on December 12.

There was much interest shown by the natives, and by white newspaper correspondents, in the origin of the "Doctor" by which he has been designated in some releases. Mr. Houston holds the degree of doctor o fjuristic science from Harvard.

Press Cooperated

Although married, Mr. Houston is still his mother's "baby." There is no time of day or night that she will not stop what she is doing or get out of bed to fix something for him to eat if he is hungry.

William H. Hastie, also a doctor of juristic science, from Harvard, and professor of law at Howard, was present during Tuesday's session.

There prevailed a spirit of fairness and cooperation among the press representatives of both white and Negro newspapers. A further evidence of Loudoun County's effort to give Crawford a fair trial was displayed in the lack of any separate press accommodations in the courtroom. White and colored reporters sat where they chose arond the two press tables.

Court Voices Praise

Prefacing his opinion overruling the motion to quash, Judge James L. McLemore said, "I want to commend counsel on both sides for the very able manner in which they conducted this case, and especially for the courtesy shown each other and the court. It has been very refreshing."

He spoke with a calm deliberateness that removed any doubt of his sincerity. Throughout his history-making opinion, delivered with only a few randon notes to guide him, Judge McLemore appeared eager, almost laboring to be fair to Crawford; to the commonwealth, and to himself.

If his superior legal mind yielded to the logic of the defense argument, then his allegiance to a system of law administration in which he has risen to an eminent plane, to the traditions and moves of a society in which he has accumulated the total of his experiences must have constrained him to search for, and find, one tenable point on which to hang so momentous a ruling.

Was The Best Way

He found that one point, but not with indifference to the reasoning of Mr. Houston. He was obviously fully appreciative of the methods by which defense counsel had attacked a fundamental part of Virginia jurisprudence.

"Where so much feeling exists in a question of the import of this one, we must all realize that only from this kind of discussion," declared Judge McLemore in praising counsel for their demeanor and courtesy, "the best results can come."

"I never have seen a more orderly assembly of people at any trial," he added, directing his comments to the 400 spectators who had crowded the courtroom each of the two days. "There has been an absolute absence of anything like excitement. I have seen nothing to create even a suspicion of any violence."

Tenseness Quelled

A dramatic tenseness was quelled by the Suffolk jurist when Mr. Wray strongly objected to Mr. Houston's request fo ra ruling on the point of unconsciousness discrimination by reason of Judge Alexander's social habits and acquaintances. Although declining to grant the request, the judge defended in unequivocal language the counsel's right to ask it.

"God pity the day," he firmly asserted, "when any man, black or white, cannot come into court and get a fair trial."

In passing on the motion to quash and the plea in abatement, however, Judge McLemore indicated that the policy of the state with respect to the selection of jurors in the future might be changed as a result of the agitation of the Crawford case.

Policy May Be Changed

"It is not for me to say what will be the future course in this state, in the light of the discussion and agitation which have been brought out largely by this particular case.

"That is a matter which will have to be met by the courts, and I have no doubt will be met in a way which will mean justice to all parties and all races."

"The judge is charged with a serious responsibility in selecting grand juries. He must choose intelligent men," Judge McLemore further said.

Judge Quoted

"Intelligence usually means a higher order of reasoning power, a higher thinking power as distinguished from the senses or memory. An intellectual person is one who is elevated a little above what we would term a plain citizen.

"A good citizen, just as good a citizen, exists anywhere, might not have the intellectual qualities which would make him the best material for grand jury service.

"The judge has to decide that question when he selects the grand jury list, and if he decides it honestly and conscientiously and includes no colored people among the 48 men selected, the list is still a perfectly good list.

Didn't Doubt Judge Alexander

"The only evidence before me as to whether the judge did select this grand jury list in the light of those conditions and prerequisites, as prescribed by law, is his own testimony.

"He said he had made up this list from men he knew and who possessed the qualities that would entitle them to serve as grand jurors in a way that would be satisfactory to the state. I think he also said that in choosing the names the question of color or race did not enter his mind.

"I have no reason to doubt his testimony, and if that is true, then surely it must be admitted that he did not exclude because of race or color."

Judge McLemore, after he congratulated all counsel in the case for their courtesy, to each other and the court, and for handling the matter impersonally, added: "There has been apparently no more interest than would be evidenced in any murder case."

BRILLIANT ARRAY OF LEGAL TALENT IN FAMOUS CASE

George Crawford Will Not Lack Capable Defense Counsel

(By a Staff Correspondent)

LEESBURG, Va.—George Crawford will not suffer for the want of legal talent.

No more brilliant array of lawyers could perhaps have been assembled to conduct his defense. And over the disapproval of many Negroes in Virginia, the National Association for the Advancement of Colored people has staked its cause with an all-Negro staff. Undoubtedly, they acquitted themselves splendidly.

"I never thought I would live to see the day," drawled a white spectator in a drugstore after the hearing, "when anybody would make such a fool of Galleher."

Charles H. Houston, acting dean of the Howard Law School, is the epitome of gentlemanliness — cool, resourceful, brilliant. His cold penetrating logic arrives quickly on a clear and sonorous voice. A member of the Harvard Law Review staff, he was an honor graduate of the Harvard law school less than a decade ago. Previously he earned his Phi Beta Kappa key at Amherst. After teaching a year he returned to the Cambridge, Mass., institution to earn the degree of doctor of juristic science. A year of study and travel in Spain rounded out the experience which so aptly fits him for his present position.

Others of Defense Staff

Edward P. Lovette, salutatorian of the 1922 academic class at Hampton Institute, completed his undergraduate work at Howard before entering Howard law school from which he was graduated with honors in 1932, passing the District of Columbia bar the following October.

Andrew Ransome, the first and only Negro to be elected at Ohio State University, to the Order of the Coif, honorary legal fraternity, established a new, and nearly perfect, scholastic standard at the midwestern institution, surpassing the average previously made by John W. Rightmire, now president of Ohio State. Mr. Ransome is an assistant professor of law at Howard.

James G. Tyson was a leading student in the 1933 class at Howard, passing the bar last summer, and commencing practice in Washington.

Prosecution Staff

Opposing this array was John Galleher, commonwealth's attorney for Loudoun County, assisted by Frank M. Wray, commonwealth's attorney for Clark County, whose efforts were made to appear futile before the accurate fire from the legal guns of Mr. Houston, who shouldered the burden of presenting evidence and arguing alone.

But deciding the issues was another mental giant, Judge James L. McLemore, of the Nansemond County Circuit Court, a resident of Suffolk, who was appointed by Governor Pollard when Judge J. R. Alexander disqualified himself. A member of the now abolished Special Court of Appeals, Judge McLemore is regarded as one of the ablest members of Virginia's judiciary. He wears a Phi Beta Kappa key from Randolph Macon College.

MILWAUKEE, WIS.
LEADER

NOV 24 1933

OUR COURTS ON TRIAL

In three trials set for early hearing the quality of American justice is to be tested, especially in regard to its capacity to triumph over race or class prejudice. We have in mind the case against George Crawford, colored, accused in Virginia of the murder of Mrs. Agnes Boeing Ilsley in 1932; the trial of the Negro young men indicted in Scottsboro, Ala., for the rape of two white girls in 1931; and the proceedings against Athos Terzani, charged with the murder of Anthony Fierro in New York city last July.

Virginia and Alabama have reacted in opposite ways to national public opinion in regard to their administration of justice. Crawford's case was lifted into national prominence by the refusal of Judge Lowell of the federal bench in Massachusetts to send the accused man back to Virginia for trial on the ground that Negroes were denied representation on the grand jury which found the indictment.

When the supreme court reversed this ruling, there was fear that Crawford might be railroaded to death by irate Virginians. But Virginia appears to have responded to national apprehension about her justice by an intelligent and humane effort to give Crawford equality before the law and to prosecute him in such a way that the outside world cannot do other than credit Virginians with fair play. It was first thought possible that the indictment proceedings might be reopened and a new grand jury assembled which would include Negroes. This has been denied by Judge McLemore, but—what is more important—it has been decided that Negroes shall be included in the panel for the trial jury before which Crawford is to be brought on Dec. 12.

Unfortunately we cannot say as much in regard to the seven Negroes (originally nine) under accusation in Alabama. Instead of acting in a way to allay outside apprehension about the fairness of Alabama justice, the judicial officers and at least a large number of the people in general seem bent upon giving their state a bad name. Negroes have been lynched and terrorized; white attorneys trying to defend members of the race have been intimidated. After Judge Horton's annihilating criticism of the state's case, when he set aside the second verdict of guilty against Heywood Patterson, prosecution of all the defendants should in ordinary fairness have been dropped. But a new trial has been set for Nov. 27 at Decatur. This will probably take place, although four men acting for the defense, but posing as salesmen, have interviewed more than 500 residents of Morgan county and signed affidavits which declare the existence of wide prejudice and a desire to destroy the Scottsboro prisoners by any means.

The prosecution of Terzani is not itself a manifestation of race prejudice, although it grew out of the attempt to spread Hitlerism in America. Terzani's comrade, Fierro, was killed in a riot at a meeting in New York of the discredited Khaki Shirts of Philadelphia. Terzani, an acknowledged radical, seems to have been picked as a victim to shield the actual culprit. "General" Smith of the Khaki Shirts is quoted by The Philadelphia Record as boasting: "We killed one radical and sent 19 others to a hospital." Terzani deserves the best possible defense at his trial on Dec. 12.—The Nation.

Killings-1933

Virginia

PETERSBURG, VA.
PROGRESS-INDEX
OCT 19 1933

JUDGE J. R. H. ALEXANDER, of the Loudoun county Circuit Court, soon will have opportunity to demonstrate to the world the dignity and fairness of Virginia court procedure in the trial of George Crawford, the Negro charged with the murder of two white women in Loudoun county. Judge Lowell, as judge of a Federal district court in Massachusetts, refused to permit Crawford to be brought back to Virginia for trial, alleging as reason for his position that no Negro would sit on the grand jury which would indict Crawford and that in consequence the Supreme Court eventually would reverse the State courts should a conviction be had. The Supreme Court this week denied a review of the Crawford case and the Negro will go to trial in Loudoun county.

We fear that communists may intervene with counsel in the case of Crawford as it did at the trial of the Scottsboro Negroes in Alabama. But we do not believe that in such event there would be the popular protest heard in Alabama when the lawyers representing the communists appeared. Virginians traditionally recognize the right of free speech. The relations between the races in Virginia are closer and more friendly than in other States. We are justified in feeling confident that the Crawford trial will be conducted with utmost fairness and that the accused will be completely protected in his constitutional rights.

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Witness Says He Was Told What To Say Under Threat

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Huff met his death August 8 and Sweeney was immediately arrested and held for $1,500 bail. Following a preliminary hearing, the grand jury indicted Sweeney, who admitted the murder but said it was an act of self defense.

Luke Claytor and a white boy named Atkins, who witnessed the shooting, testified at the preliminary hearing that Sweeney had shot in self defense. The trial, however, held at the Floyd County Courthouse, Claytor changed his story stating that there was no provocation for the shooting.

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Sweeney, it was testified, became angry when Huff continued to refuse to accede to his wishes. Telling Huff, to wait, Claytor said, Sweeney went to his home and returned with a revolver with which he shot and killed him.

This story, when told by the witness in court, resulted in the white attorneys for the defense accusing the N. A. A. C. P. representatives in court at the time of "buying" the witness. In referring to the Negroes they both used the offensive word, "nigger," it is reported.

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Considers Reindicting Him Through Grand Jury Including Negroes.

10-29-33

TO HAVE FULL DEFENSE

Member of Own Race May Be Put on Jury That Tries Him for Murder.

By VIRGINIUS DABNEY.

Editorial Correspondence, THE NEW YORK TIMES.

RICHMOND, Va., Oct. 25.—Virginia is aware that the entire country will be watching when George Crawford, Negro accused of murdering two white women near Middleburg early in 1931, is brought back from Boston and placed on trial in the Loudoun County Circuit Court. The trial may be held next month. Leading citizens of this State are determined that no one shall justly accuse the Virginia authorities of trying to railroad this man to the electric chair.

Commonwealth's Attorney John Galleher of Loudoun, who participated in the extradition proceedings in Boston before Federal Judge James A. Lowell, has announced that Crawford will be given "plenty of time to get counsel and otherwise prepare his defense."

Whether he will be tried on the basis of the original indictment, returned by an all-white grand jury, or whether he will be brought before another grand jury, including one or more Negroes, has not been announced by those in charge of the prosecution in this cause célèbre. Extradition originally was denied on the ground that no Negroes were on the jury that indicted Crawford.

Agitators Not Wanted.

It is believed that Commonwealth's Attorney Galleher is giving serious consideration to the latter plan. Inclusion of members of both races on the panel would greatly lessen the possibility of a reversal by the Federal courts, in the event of a conviction.

The feeling is growing, too, that when a Negro is tried for a crime against a member of the opposite race, it is only fair that the grand and petit juries include at least one representative of his own racial group. There are Negroes in many communities who are fully capable of rendering satisfactory jury service.

Concern has been expressed in the Virginia press over the likelihood that agitators from the North will attempt to take part in the Crawford trial, or at least that they will increase the difficulty of giving the accused a fair hearing by sending abusive telegrams and letters to the judge and other local officials. It is understood that the International Labor Defense is endeavoring to play a prominent rôle in defending Crawford, a fact hardly reassuring to those who are seeking to avoid stirring up interracial and intersectional prejudice.

The National Association for the Advancement of Colored People, which is much more conservative in its methods, has announced that it will provide counsel for the Negro at the approaching trial. The association led in the effort to prevent Crawford's extradition. The Loudoun authorities claim to have Crawford's confession in their possession, but association officials express the view that he "is innocent and is being made the scapegoat for some one else."

Negroes for Jury Service.

There is considerable speculation as to what will happen if this organization and the radical International Labor Defense both seek to handle Crawford's case. The latter group is reported to desire a "united front" with the former, but in view of the fact that the NAACP withdrew from the Scottsboro case because of the tactics of the ILD, it seems unlikely that the two bodies will cooperate at the Crawford hearing.

Since the issue of Negro jury service was raised in the Scottsboro and Crawford cases, courts in various Southern States have taken steps to accord members of the weaker race representation on juries. In Virginia Judge Frederick W. Coleman imposed a $10 fine for contempt on a white farmer who refused recently to sit on a grand jury with a Negro in Hanover County Circuit Court.

Widely published reports that Negroes have never served on juries in the State courts of Virginia since the reconstruction era are incorrect. They have served on the grand jury in Lynchburg Corporation Court for at least a quarter of a century, for example, and on the grand juries of Henrico County for an even longer time. Until about fifteen years ago they served on both grand and petit juries in Richmond Hustings court. They are serving on the grand jury there at present, and probably they will serve on the petit jury when the jury commissioners draw up their lists for the coming year.

It is true that the recent focusing of attention on the issue has resulted in the summoning of Negroes for jury service in courts that formerly did not summon them. That may turn out to be true of the Loudoun County Circuit Court when George Crawford is brought to trial. That court has not summoned Negroes for jury duty in the past.

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The motion to quash is on the grounds that this jury was unconstitutional, as colored citizens were excluded.

Judge James L. McLemore was appointed to hear the motion.

The hearing on the motion will likely be later this week. It is expected that a new grand jury, including colored persons, will be drawn, to render the trial constitutional.

No community feeling has been aroused.

Charles H. Houston, attorney of Washington, is bringing the motion.

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Killings-1933

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Associated

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WHO LAUGHS LAST

SOUTHERN white newspapers are jubilant over the refusal of the United States Supreme Court to uphold the decision of Federal Judge James A. Lowell of Boston in the extradition case of George Crawford, luckless Negro lad falsely accused of the murder of a wealthy white woman in Virginia.

Crying with the pack is the usually liberal Montgomery (Ala.) Advertiser, which holds that this decision proves Judge Lowell was wrong because he "wished to protest against what he believes to be an evil," i. e., the failure of Virginia and the rest of Dixie to call Negroes for jury service.

"His Honor, the Judge, of course, had no more right to bring the State of Virginia or its courts to trial than he had to pass judgment on Mrs. O'Leary's cow," says the Advertiser.

Actually, what Judge Lowell contended was: "Why send this Negro back to Virginia when I know and everyone knows that the Supreme Court will say the trial is illegal." The Judge has yet to be proved wrong. Leading constitutional lawyers also hold that unless Loudoun County, Virginia, can show prior to the trial of Crawford that it HAS called Negroes for service on the grand jury, the Supreme Court will hold the trial illegal.

Judge Lowell may have been wrong in his decision, but it has certainly made the South sit up and take notice. For the first time since the Southern Negroes were disfranchised and eliminated from the political picture, Southern white folks have been forced by Lowell's decision to consider calling Negroes for jury service, and in some instances have actually done so. If the practice does not become general, the entire system of law enforcement so laboriously and cunningly erected in Dixie will collapse.

In brief, the South today is confronted with the dilemma to (a) either recognize the citizenship of Negroes and call them for jury service, or (b) refuse to call Negroes for jury service and have the Supreme Court declare every trial and conviction of a Negro illegal because of it.

It looks like the last laugh is not going to be on the Negro, as the Dixie press presently thinks, but on the unreconstructed South. Judge Lowell's great service to humanity is that his decision sounded the death knell of a pernicious system of jim-crow legalism.

And too much credit cannot be given to the race-conscious, group-loyal Negroes who, through the superb work of the National Association for the Advancement of Colored People in this Crawford case, have put the Dixie Dictatorship on the spot.

George Crawford's trial is being rushed by the Virginia officials, who hope to catch Negroes napping and Crawford without adequate legal defense. The N. A. A. C. P. has its machinery all ready, but funds are sadly needed to pay the heavy expenses of the defense. Loyal race men and women eager to deal Southern bigotry and injustice another blow should immediately send contributions to the N. A. A. C. P. Crawford Defense, 69 Fifth Avenue, New York, N. Y.

SAVE GEORGE CRAWFORD

THE United States Supreme Court has refused to review the George Crawford extradition case and this innocent young Negro wrongfully accused of the murder at Middleburg, Va., of Mrs. Agnes B. Illsley, wealthy society woman, has been returned to Virginia for trial.

In spite of Crawford's airtight alibi and the many witnesses in Boston who testified that he was in that city at the time of the murder, the so-called blueblood of Loudoun County are determined to send him to his death.

Only the Negroes of America can save him. If he is made the scapegoat to cover up the guilt of a prominent white person, the fault will be ours. The N. A. A. C. P. has fought valiantly for Crawford and made his case a Cause Celebre. Its attacks on the jim crow jury system of Virginia and the other Southern states has rocked Dixie and aroused the ire of every Negrophobe below the Potomac.

But the association is without funds to conduct the legal battle necessary to save Crawford. It has, through its activities forced Virginia to call Negro jurors for the first time in forty years. Now it needs ample contributions from Negroes to hire lawyers to defend Crawford.

This case is as important as any the Negroes have had to fight in years. The trial is called for early November. There is no time to lose. Contributions should be sent for the Crawford Defense to the Treasurer, N. A. A. C. P., 69 Fifth Avenue, New York, N. Y., immediately.

JUDGE IS RELIEVED ON MURDER HEARING

RICHMOND, Va., Oct. 28.—(AP)—Upon the request of Judge J. R. N. Alexander to be relieved of duty in the hearing, Governor Pollard today appointed a new judge to hear a motion to quash murder indictments in the George Crawford murder case.

The governor appointed Judge James L. McLemore, of Suffolk, after Judge Alexander had written that he felt he should not be called upon to pass upon the valadity of his action in drawing up the grand jury list prior to the indictment of Crawford, negro, charged with the slaying of Mrs. Agnes Illsley and her maid, Nina Buckner.

N. Y. SUN

NOV 6 193

SELECTED ONLY WHITE JURORS

Judge Gives Evidence at Crawford Hearing.

DISCRIMINATION IS CHARGED

Defense Alleges Negroes Are Never Called to Serve.

LEESBURG, Va., Nov. 6 (A. P.)—Judge J. R. H. Alexander testified today in the Circuit Court that in picking the list of names for a Grand Jury which indicted George Crawford, Negro, for the killing of two white women, he had not considered placing Negroes on the list.

Judge Alexander was the first witness called on the motion of defense counsel to quash the indictment on the ground that the Negro was discriminated against because members of his race were not permitted to serve on Grand Juries.

The hearing opened before Judge James L. McLemore of Suffolk, named by Gov. Pollard to hear the cases ince Judge Alexander was disqualified because he was called as a witness by both sides.

Crawford, diminutive Negro, is charged with the murder of Mrs Agnes Boeing Illsley, and her maid, Mrs. Nina Buckner, at the former's estate on January 13, 1932. Crawford was indicted in February 1932.

Police Guard Crawford.

Because of some feeling in the county, State authorities had let it be known that the defense counsel did not plan to bring Crawford to the hearing today. However, Crawford, who has been in jail at Alexandria since he was extradited from Massachusetts, was brought to the Loudoun county courthouse under escort of twelve heavily armed State policemen.

The old Colonial type courtroom was jammed by a curious crowd, composed about equally of whites and Negroes.

Charles H. Houston, Negro attorney for Crawford, told the court that it had been the custom in Loudoun county to have grand juries composed exclusively of white men, although he said there were Negroes qualified under the statute to serve.

Lawyer Alleges Bias.

He charged that "Negroes have been excluded solely on account of race and color," and added, "we claim this indictment of Crawford is bad and should be quashed."

He also said that the jury list had been picked by Judge Alexander in violation of law in that, he contended, there was not equal protection to all men alike. He offered a plea in abatement against the indictment.

Commonwealth Attorney John Galleher made a general denial of Houston's contentions. He said the State further denied there were Negroes in Loudoun qualified to serve on grand juries.

He contended that when Judge Alexander made up the list in 1931 of forty-eight male citizens from whom the Grand Jury was composed, the court had not acted "in any way to prejudice" Crawford. He pointed out that the list was drawn before the alleged murder was committed.

Killings-1933

Virginia

GREENSBORO, N. C.
NEWS

OCT 21 1933

Clark's Comment

JUDGE LOWELL AND NEGRO JURORS.

The refusal of the Supreme court of the United States to review the decision of the United States circuit court of appeals in the case of George Crawford, negro, who resisted extradition to Virginia, where he is under indictment for murder, in effect affirms the judgment of the court of appeals. The latter court had overruled Judge Lowell, United States district court of Boston, who had on a *habeas corpus* hearing ordered Crawford released on the ground that the Virginia indictment was invalid because negroes do not sit as grand jurors. Judge Lowell, undertaking to speak for the Supreme court, declared that body would hold the indictment invalid and said in effect that his Yankee common sense was affronted by the request that Crawford be sent to Virginia for trial on an indictment which the highest court would declare invalid.

The court of appeals held that since Crawford would have a chance to argue his constitutional rights in the Virginia court, with the right of appeal to the Supreme court of the United States, the issue of his constitutional rights was prematurely raised before Judge Lowell. That is, the court of appeals told Judge Lowell in effect that it was not his business to decide what the Supreme court would do in this case, which might be construed as saying that the higher court didn't see Yankee sense or legal knowledge in the Boston judge's methods of procedure. Which is highly satisfactory to those who took note not only of Lowell's high-handed and arrogant procedure but it gives some hope that other judges and some occasional governors who undertake to try requisition cases that are not within their jurisdiction will take note. The Supreme court of the United States held with South Carolina against the late Judge Walter E. Moore, of North Carolina, who released a man taken on a requisition warrant for murder in South Carolina, the North Carolina judge holding that the evidence was not sufficient to convict. Since that decision two North Carolina judges have made similar decisions. They may not have known about the higher court decision or they may hold, as some magistrates occasionally hold that higher court decisions mean nothing to them.

The issue of negroes on the jury did not appear in this decision, since the appeals court held it was prematurely injected. A week earlier the Supreme court, as mentioned, refused to review the appeal of a negro under sentence of death in Maryland, in which the absence of negroes from the jury was directly raised. The Raleigh News and Observer, however, brings to light a decision of the Supreme court of the United States, in the case of Virginia vs. Rives, 100 U. S., 313, in which the court passed directly, and adversely, on the negro juror issue. The defendant had sought to secure a jury composed in part of negroes. Affirming the action of the state court in refusing to call negroes on the jury, the Supreme court said:

> The denial of that motion was not a denial of a right secured to him by any law providing for the equal civil rights of citizens of the United States, or by any statute, or by the 14th amendment. A mixed jury in a particular case is not essential to the equal protection of the laws.

Which doesn't say that negroes may be excluded from jury service on account of color but it does seem to settle the issue so frequently injected that an indictment is invalid unless persons of the same race as the defendant are members of the jury.

CAN'T LOSE SLEEP TO SAVE.

In a Dare county section one school bus was used. It made two trips. On the first trip out it was necessary for the children to be ready early in the morning that the bus might make the second trip in another direction. Parents on the first bus route had to get up early that their children might be ready for the early bus. Parents on the second route were not hurried, since their schedule was later.

The early rising parents protested. Why should their rest be broken that they should get their children off to school early while parents on the other end of the route could take their ease on account of the later bus. The early rising parents wouldn't stand for it. The school commission put on another bus so that parents on each route could have the same amount of sleep, being served simultaneously.

The second bus increases the cost of transportation. No doubt the Dare county parents who refused to convert themselves into early risers to save school transportation costs had shouted vehemently for lowered taxes, no doubt for lessened costs of school operations. But they don't want tax money saved if it must be saved at the cost of their morning nap, especially when parents in the same territory had their usual rest. It didn't seem to occur to the school commission to serve them turn about, allowing patrons on one route to sleep late for a couple of weeks and then converting them into early risers while the others were given a couple of weeks of late sleeping.

But they would not have agreed to it, probably. Equality of bus riding and equal hours for sleeping is their motto, and hang the cost.

IT JUST DOESN'T FIT.

Head of big distilling concern, ready and waiting to set his machinery operating and the ardent following as soon as repeal is a fixed fact, puts out the word that his company will "strongly support" all aims toward temperance in the use of alcoholic beverages. That would be good business, seeing that the temperate drinkers and their substance might last longer. But one can hardly imagine the distiller, or the liquor dealer, either, exerting himself to discourage the free use of his product. He might advise moderate drinking but he would at the same time tell the prospective purchaser of the fine quality of his goods. He would hardly join an association, or ask for the passage of a law, having for its purpose to deny the excessive drinker.

In brief when the liquor dealer urges on all and sundry not to drink, begs them to spend their money on their families rather than buy that which is an enemy they would put in their mouths to steal away their brains—when the liquor dealer goes that far one may believe he is really in earnest about curtailing the use of drink. He will have quit the business.

R. R. CLARK.

NORFOLK, VA.
VIRGINIAN PILOT

OCT 19 1933

The Real Crawford Issue

The constitutional questions raised in the case of George Crawford, the Negro charged with the murder of Mrs. Agnes B. Ilsley and her maid, Mina Brucker, had already been answered so conclusively by the First Circuit Court of Appeals that the decision of the Supreme Court of the United States, in effect upholding the Circuit Court and therefore in effect reversing District Judge James A. Lowell of Massachusetts, will surprise neither lawyer nor layman. The Supreme Court has declined to review the case. It must stand, therefore, as the Circuit Court left it. That means that a habeas corpus can not be sustained now on the fear of what the Virginia courts may do later. The appeal to the Constitution is thus premature. If Crawford's constitutional rights are jeopardized later, he can take steps then to protect them.

The result thus far may fairly be classified as a victory for the constitutionally processes. That would be welcome any time. It is especially welcome at a time when extradition cases are causing difficulties in many parts of the country, with a disturbing amount of off-hand judgment in cases in which no complete presentation of evidence is possible and in some of which, it would appear, personal prejudices count more heavily than the ideal judicial temperament.

In so far as the Crawford case is concerned, however, it should be recognized immediately that none of the vital questions is settled. Crawford raised the point that if tried in Virginia, he would be tried by a jury from which Negroes would be excluded, and that therefore his constitutional rights would be infringed upon. The courts have said that the point has been raised prematurely. But they have not said what the constitutional effects would be in this instance if Crawford, in point of fact, is later tried by a jury from which Negroes are illegally excluded. That is the real question in the Crawford case, and it is still an unanswered question. If one may judge from what has already happened, Crawford and those who are fighting Crawford's fight for him will do everything possible to wrest the answer to this question from the courts and from the State of Virginia.

A partial answer has already come from a few Virginia judges. Two judges in Richmond have announced their purpose to use Negroes on grand juries in certain cases. Another Virginia judge has fined for contempt a white man who refused to sit on a grand jury with a Negro juryman. This is an approach to the solution. It is a slow approach, as it ought to be in view of the traditional difficulties which have to be overcome. Unless it is followed—perhaps gradually, but nevertheless followed—in other parts of the State, it is almost certain that the questions raised in the Crawford case will be raised in numerous other cases. Wherever raised and supported by the evidence, they will be answered by the courts in only one way. The result is change, but it is change that in time will be approved, we believe, as both just and wise.

Crawford Loses a Round

IN DECLINING to review the George Crawford appeal the United States Supreme Court did not pass upon the merits of his contention as furnished by Judge Lowell's action in freeing him on habeas corpus. The Supreme Court sustained the reversal of Judge Lowell by the First Circuit Court of Appeals. The road is clear now for Crawford's return to Virginia, where he will be tried for the crime for which he is under indictment.

10-21-33

But if Crawford is tried under the original indictment and convicted he may again appeal, this time from the verdict of the Virginia court, and the Supreme Court will hear and pass upon the merits of his case.

Crawford, Va.

In substance the Supreme Court says to Crawford that he must raise the jury question in the court of original jurisdiction.

If the Virginia authorities should now elect to have another indictment found against Crawford by a grand jury from which Negroes are not systematically excluded, the whole purpose of proceedings to date to prevent his extradition will be frustrated. It is not likely that the Commonwealth will risk having a conviction in Loudoun County upon the original indictment set aside by the Supreme Court upon appeal.

ROCKY MOUNT, N. C.
TELEGRAM

OCT 20 1933

The Crawford Case

Because arguments are cropping up regularly on all sides and because the real issues are frequently being clouded, the decision of a Massachusetts Circuit Court of Appeals to return George Crawford to Virginia where he will stand trial for the murder of two women is noteworthy. The matter was carried to the Supreme Court of the United States where an appeal was denied.

Commenting on the case the New York Times says:

"George Crawford, a Negro, was indicted in Loudon County, Va., for a double murder committed in January, 1932. He took refuge in Massachusetts. In the Spring of 1933 Governor Pollard asked for his extradition as a fugitive from justice charged with felony. Governor Ely issued an order for the extradition. A writ of habeas corpus was applied for. It was argued for the defendant that the Virginia indictment was void because Negroes have never been called for jury duty in Loudon County, and his constitutional rights under the Fourteenth Amendment were thereby denied. Judge Lowell granted the writ on the strength of the affidavits of certain Loudon County officials. His action was severely criticized in Virginia and in the House of Representatives, which resolved to impeach him; and the Judiciary Committee has been investigating his official actions.

"Taken to the Circuit Court of Appeals, the case was elaborately argued at Boston. The court unanimously reversed the decision. The evidence in the affidavits was not admissible. The question to which it related couldn't be reviewed and determined 'on habeas corpus in a Federal court, at any rate in the first instance. The place for argument about Crawford's constitutional rights was in the Virginia courts From their decision, if adverse, he could appea to the Supreme Court of the United States.

"Appeal from the Circuit Court was taken to the Supreme Court, which on Monday refused to review the case. So Crawford will be returned to Virginia. Judge Lowell filed no opinion; but he said some curious things, creditable, no doubt, to his good intentions but strongly smacking of the layman's or lay judge's naive way of finding a short cut to what he thinks is justice:

" 'Why should I send a Negro back from Boston to Virginia when I know, and everybody knows, that the Supreme Court will say that the trial is illegal? The only persons who would get any good out of it would be the lawyers I'd rather be wrong on my law than give my sanction to legal nonsense.'

"He was wrong on his law. It was not within his discretion and none of his business to pronounce on the validity of a Virginia indictment and to bind the hands of the Governor of Massachusetts doing his duty under the Constitution One passage in the opinion of the Federal circuit judges should be pondered earnestly by all Governors and Federal district judges:

" 'It was not intended by Congress that the Federal courts should, by writ of habeas corpus obstruct the orderly administration of the criminal laws of a State through its own tribunals.' "

A case somewhat similar was the refusal of the Governor of New Jersey to return an escaped convict to Georgia. More recently the Governor of California refused to be moved by pleas and returned a convicted murderer to South Carolina, even though the man, in his seven and one half years of liberty, had made an excellent record as a citizen.

The Negro is entitled to full privileges in courts but the courts should not be made a place for arguments which are not related to the point in question.

HAVERHILL, MASS.
EVE. GAZETTE

OCT 19 1933

Virginia Wins

Virginia appears to have won the contest to extradite George Crawford from Massachusetts on charges of murder, the Supreme court having refused to review the case.

The first attempt to extradite Crawford was defeated when Judge Lowell refused to allow the Negro to be sent back to Virginia Lowell's action was based on the fact that Virginia didn't allow Negroes to sit on grand juries and that, therefore, Crawford would be denied his constitutional rights. If he were convicted, the judge contended, the verdict would be appealed, eventually to the Supreme court, which would have to pass on the point on which he based his action.

The Lowell decision was reversed by the Court of Appeals and the reversal was taken to the Supreme court. The refusal of the Supreme court to review the case means that the decision of the appelate court stands and that Crawford must face trial in Virginia.

The Lowell decision was not without its praiseworthy results, because, since it was given, Virginia has allowed Negroes to serve on grand juries. That has no bearing on Crawford's case, however, unless the charge against him is brought again before a grand jury, this time one on which Negroes are serving.

The principal fact, however, is that Virginia has won a judicial victory. Now let it score a victory for justice by giving Crawford a trial of unmistakable fairness.

NORFOLK, VA.
LEDGER-DISPATCH

OCT 18 1933

Virginia to Get Crawford

When the Supreme Court at Washington refused to review the case of George Crawford, charged with the murder of two white women in Loudoun County, the Negro fugitive lost his fight against extradition to Virginia to stand trial, and the processes of the law will now take their natural course.

Of equal importance is the implied stamp of disapproval the appellate courts have placed on the action of Federal District Judge James A. Lowell, of Massachusetts, who had ordered Crawford's release on the ground that Negroes did not serve on grand juries in Virginia and that, following its decision in the Scottsville, Ala., case the Supreme Court would not permit a conviction from Virginia to stand.

The United States Circuit Court of Appeals, in overruling Judge Lowell, administered a stinging rebuke to the jurist of the lower tribunal and directed that the proceedings under which he had taken jurisdiction be dismissed. Crawford's counsel appealed to the highest court, only to have it turn a deaf ear to the plea that a trial in Virginia would deprive the accused of his constitutional rights.

Not since Reconstruction Days in the South when carpet-baggers on the Federal bench were tools of the political operators of that period had the judge of a United States court been guilty of such unwarranted use of a writ of habeas corpus for interference with the administration of justice. Aside from any legal justification or pretense for the district judge's course, the reflection on Virginia courts, regardless of the racial issue had no basis in fact, and Crawford will be given a fair trial with all the protection and safeguards that any man, whatever his color is guaranteed by the Constitution and the statutes.

Killings—1933

Virginia

Rebuking a Lowell

Judge James A. Lowell of the federal court at Boston has finally received a jolt from the Supreme Court of the United States.

He belongs to that ultra-exclusive New England aristocracy referred to in the old jingle which defines that part of our country as—

"The land of the Sacred Cod,
Where the Lowells speak only to Cabots
And the Cabots speak only to God."

He appears to have even more than his share of the family self-sufficiency.

It will be remembered that the governor of Virginia asked the governor of Massachusetts for the extradition of George Crawford, a Negro, charged with the murder of two women at Middleburg, Virginia, in January, 1931.

The governor of Massachusetts honored the extradition, but lawyers for the Negro went before Judge Lowell on habeas corpus proceedings and the judge released the Negro on the ground that Negroes did not serve on grand juries in Virginia, and hence Crawford would be denied his constitutional rights in that state.

The appellate court reversed the decision of Judge Lowell and now the Supreme Court of the United States, to which the case was appealed, has refused to review it. This means that the Negro will have to be turned over to the authorities of Loudoun county, Virginia, where he will be placed on trial within a few weeks.

The action taken by Judge Lowell was so utterly illegal and arbitrary that impeachment proceedings were taken against him in the House of Representatives and those proceedings are still pending. The record shows that he has been guilty of arbitrary conduct in many ways and on many occasions.

In the meantime, Negroes have been empanneled many times on grand juries and trial juries in the Old Dominion since this case first attracted national attention.

Whether there will be Negroes on the Loudoun county juries which are to decide Crawford's fate is of course unknown, but all the evidence goes to show that he committed an atrocious crime, that he will receive a fair and impartial trial and if found guilty will be punished as he deserves.

The insolent conduct of such men as Judge Lowell contributes nothing towards the more harmonious relations of the two races in the Southern states.

Six Murder Trials Scheduled For Trial In Hustings Court In Two Weeks: Big Murder Toll

Six murder trials are scheduled for the Hustings Court this term. Five of these are colored. Norman Chambers, who killed George Washington Oliver on November 17, 1928, was indicted at the present term and a capias has been issued for his appearance this month. Robert H. Patterson, who killed John Coleman on July 8, has been indicted and called for trial October 16. Willie Walden, charged with murdering Dan Walton on July 16, is to be tried on October 17. The case of Mrs. Ella Seay, charged with shooting Jim Winston to death on the night of September 2, will be tried October 19. Tom "Tit" Funn will be tried October 24 for the murder of Albert Anderson on July 7.

It is indicated that special efforts will be put forth by the Commonwealth to secure convictions in these cases in order that Richmond's enormous murder record may be lessened. When Justice T. Gray Haddon sentenced William Kidd to twelve months in jail for a recent cutting scrape a war on murderous brawls and killings was declared, according to some authorities. It is acknowledged that evidence for the Commonwealth is hard to secure because of the reticence of many colored witnesses to tell the truth, because of a fear of being called "spotters" and "snitchers." Some have suggested a campaign of information for the masses, informing them of their duty as citizens to co-operate with the Commonwealth in apprehending and punishing violators of the law.

The outcome of these trials will be watched by Negro leaders here.

GEORGE CRAWFORD, Negro, under indictment for the murder of Mrs. Agnes Boeing Ilsley and her maid, must go back to Virginia for trial. The Supreme Court of the United States has ruled that the issue raised by Judge James A. Lowell, that Negroes did not serve on grand juries in Virginia, is not valid in habeas corpus proceedings. The Circuit Court of Appeals had previously reversed Judge Lowell, and its decision is now sustained by the highest tribunal in the land. An enormous service, however, has been rendered by Judge Lowell. The issue has been brought into the open. The eyes of the nation will be focused on Virginia, where the probability of a fair trial for Crawford is greatly enhanced. The publicizing of the racial discrimination in the omission of colored jurors has already brought some reform in that State. The Supreme Court's reversal of Judge Lowell's decision was essentially on technical grounds and does not at all preclude, should Crawford be found guilty, an appeal to the Supreme Court on the issue that a man is not being tried by a jury of his peers if members of his race are excluded therefrom.

NEW YORK SUN

OCT 18 1933

Judge Lowell's Case.

The United States Supreme Court has disposed of the issue raised by Judge JAMES A. LOWELL when he freed GEORGE CRAWFORD, a Virginia Negro, who was indicted in that State for the murder of two persons, but who fled to Massachusetts and was there apprehended and held for extradition. On April 24 Judge LOWELL granted a writ of habeas corpus after Governor ELY had authorized CRAWFORD'S extradition. At the time of granting the application Judge LOWELL said:

> "Why send this Negro back to Virginia, when I know and every one knows that the Supreme Court will say the trial is illegal? The only ones that would get anything out of it would be the lawyers."

It was Judge LOWELL'S contention that because it was not the practice in Virginia to call Negroes for jury duty CRAWFORD could not enjoy the guaranty of trial by a jury of his peers. The effect of his decision to grant the writ of habeas corpus was to declare the indictment of CRAWFORD illegal.

The Commonwealth of Massachusetts promptly appealed the case and on June 16 the Circuit Court of Appeals reversed Judge LOWELL, vacated the writ of habeas corpus and ordered the case remanded to the District Court. The court held that the question of whether Negroes served on Virginia juries or not could be raised in Virginia but not in habeas corpus proceedings in Massachusetts. The opinion said:

> "It was not intended by Congress that the Federal courts should, by writ of habeas corpus, obstruct the orderly administration of the criminal laws of a State through its own tribunals."

The Supreme Court has now declined to review the case and execution of extradition, stayed pending appeal, will now be carried out. CRAWFORD is expected to go to trial in Loudoun county, Virginia before November 15. Whether the issue that was raised in Massachusetts will be raised in Virginia remains to be seen, but it is doubtful. The Circuit Court of Appeals suggested that Virginia was the proper place for such a question to be aired, but since Judge LOWELL'S decision Negroes have been summoned for jury duty in Virginia.

Written charges against Judge LOWELL, based not only on his decision in the Crawford case but on two other cases, now lie before the Judiciary Committee of the House of Representatives, pursuant to a vote of the House on April 26, two days after the Massachusetts Judge issued the writ of habeas corpus. The case of GEORGE CRAWFORD probably will be heard of again when Congress meets in January.

Supreme Court Refuses Review On Lowell Case

Decision of High Court Climaxes Decade's Most Dramatic Negro Fight

WASHINGTON, Oct. The United States Supreme Court shook its head on the George Crawford extradition case which has been so valiantly fought by the National Association for the Advancement of Colored People, last Monday, and as a result, the Virginia man must return to Loudon County to face trial for the murder of two white women.

The action of the high court constitutes a climax to one of the most far-reaching legal controversies ever taken through courts on behalf of Negro Constitutional rights. It began when Virginia indicted George Crawford for the murder of Mrs. Agnes B. Ilsley and her maid, two white women. Sometime after the indictment Crawford was found in Boston, and immediately Virginia pulled the extradition strings to return him for trial.

Habeas corpus proceedings were launched by the N. A. A. C. P. when the Governor issued orders to send Crawford back South, and when the case was argued before Federal Judge James A. Lowell, he refused to allow the al-

leged fugitive to be returned on the ground that Negroes are kept off grand and petit juries in Virginia and, hence Crawford could not get a fair and impartial trial. Later, his decision was reversed by the First Circuit Court of Appeals and the N. A. A. C. P. immediately took the case to the Supreme Court.

As the case now stands, Crawford must face trial on Virginia indictments but in any event the matter of Negroes on the jury will be continued. It is thought that if the State of Virginia prevents Negroes from sitting on the jury during the trial that the Association will take a repeal on that ground back to the high court.

The case has attracted national and international attention and during the period which has elapsed during its argument, Negroes have served, for the first time in nearly fifty years, on juries in Virginia and Delaware.

When Crawford is returned to Virginia he will be furnished counsel by the National Association for the Advancement of Colored People, it was announced Tuesday by Walter White, the association's secretary.

"Our investigations so far lead us to believe that Crawford is innocent and is being made the scapegoat for someone else", the N. A. A. C. P. statement declares. "We are appealing to all persons who believe in justice to contribute immediately to the Crawford defense fund either directly to the New York office, 69 Fifth ave., or to the nearest N. A. A. C. P. branch. The need for a defense fund is urgent and we urge our branches and friends to answer promptly."

Brooklyn, N. Y. Eagle

OCT 18 1933

The Reversal of Judge Lowell.

The Supreme Court, without opinion, has reversed Judge Lowell and the Negro Crawford must face trial for murder in the courts of Virginia, notwithstanding that the indictment was found by a grand jury for which no Negroes were empaneled.

James Arnold Lowell (his mother was an Emerson) is a Harvard man of the class of '91 a Republican, put on the Federal District Bench in Boston by President Harding in 1922. If his angle of vision on Negro rights differs from that of Dixieland we can understand why. It is the angle of vision that Charles Sumner had that Henry Wilson had, that Wendell Phillips had. It involves the human equality complex. And this complex in Massachusetts is by no means confined to Republicans.

Southern members of Congress have introduced and backed a resolution for the impeachment of Judge Lowell. It will be the part of wise leadership in the lower house to see that this resolution is not permitted to see the light of day. The South may be in the saddle, but rough riding is indiscreet. Right or wrong the course of Judge Lowell could only have been dictated by a New England conscience.

It is now up to the great State of Virginia to see that Crawford has an absolutely fair trial—which is quite possible even before a white judge and a white jury. The Supreme Court expects this. The whole country expects it. If the Negro is guilty, no thinking colored man would wish him to be acquitted.

A NEW ENGLAND JUDGE REBUKED

Judge James A. Lowell, of that blue-blooded city where the Cabots snoot everybody except the Lodges and the Lodges deign only to speak to God, has lost a case.

It was the case of a Negro, one George Crawford, wanted in Virginia for the murder of two white women.

The Negro was indicted in the Southern State for the murder of a prominent Virginia woman and her white maid. He fled to Massachusetts but was captured by the police in that State and held for Virginia officers.

The Governor of Virginia asked for the extradition of the fugitive and Governor Ely of Massachusetts granted extradition.

There was only one question for the Massachusetts Governor to decide before consenting to return the Negro. And that was: Did the State of Virginia have sufficient evidence of the man's guilt to warrant returning him for trial?

That was the question with which the Commonwealth of Massachusetts should have concerned itself.

But Judge Lowell, the aristocratic bench-warmer and latter-day abolitionist, who heard habeas corpus pleas did not bother to stop with that question. He did not ask himself: "Has the State of Virginia sufficient evidence of this man's guilt to take him back to Virginia on charges o fmurder?"

Judge Lowell, instead, declared that George Crawford should be freed, that he should not be sent back to Virginia because Judge Lowell, sitting on his New England bench, believed that Virginia courts were not capable of giving Negroes a fair trial.

His Honor, the Judge, of course, had no more right to bring the State of Virginia or its courts to trial than he had to pass judgment on Mrs. O'Leary's cow, which according to all records was a resident of Chicago and under the jurisdiction of the State of Illinois.

But Judge Lowell, after all, is a Boston Lowell, and he gave himself the right to try en masse the people of a State some hundreds of miles distant.

He decided that the accused murderer should not be sent back to Virginia, regardless of the evidence against him. (Though the Judge never mentioned evidence in the case in his public statements so far as we know. At least we have seen none in press dispatches of the case.)

Judge Lowell, though, did say: "Why send this Negro back to Virginia when I know and every one knows that the Supreme Court will say the trial is illegal? The only ones that would get anything out of it would be the lawyers."

All Massachusetts officials are not Lowells, though, and the Commonwealth appealed the case. The Massachusetts Circuit Court of Appeals reversed Judge Lowell, vacated the writ of habeas corpus and ordered the case remanded to the District Court.

This court ruled that the question of whether Negroes were allowed to sit on Virginia juries could not be raised in Massachusetts. That it would be proper to raise the question in Virginia, but that in so many words, it was not the business of a New England State to try the courts of another sovereign State.

The Supreme Court has refused to review the case of George Crawford and the prisoner is expected to face trial in Virginia next month.

Judge Lowell, of course, wished to protest against what he believes to be an evil his contention that Negroes did not sit on Virginia juries. He has been proven wrong. But that is not the case against Lowell.

The truth is that even if he should have been correct in his belief that Negroes did not sit on Virginia juries, he still should have been wrong. That would not have proven that the man would have been denied a fair trial.

Then, too, Judge Lowell spoke as though he wished to help demedy what he considered an evil in a State court system.

But the precedent he attempted to set that of a judge taking the power to pass judgment upon the court systems of a sovereign State certainly should have been as much of an evil as the supposed evil he thought he was helping to correct.

Judge Lowell deserves the sharp rebuke from the higher court. He took into his own hands the powers of a Supreme Court, Governor of a sovereign State, and executed those mock powers from his New England bench.

RALEIGH, N. C.
NEWS OBSERVER

OCT 18 1933

VIRGINIA INTEGRITY UPHELD

It is not surprising that the Supreme Court of the United States held that George Crawford, a Negro charged with the murder of two women, can amply protect his constitutional rights in the Virginia courts. Crawford sought to show that the indictment on which extradition proceedings were brought in Massachusetts was fatally defective because returned by a grand jury on which Negroes were not permitted to serve.

It was unusual, to say the least, that Federal Judge James A. Lowell ordered release of the Negro, solely on the ground that he had been indicted by a grand jury of white men. His decision was reversed by the Federal circuit court, and now the Supreme Court of the United States refuses to review the case on appeal, thereby affirming the action of the lower court. Virginia courts have long been widely known as courts of integrity and uprightness.

In holding that Crawford can protect his constitutional rights in Virginia, and raise there the questions he sought to raise in the Federal Court in Massachusetts, the Supreme Court was following a precedent, which it established in the case of Virginia *v.* Rives, 100 U. S. 313. In that case the defendant sought to secure a jury composed in part of Negroes. His motion was denied and in a decision affirming the action of the State Court, the Supreme Court held:

> The denial of that motion was not a denial of a right secured to him by any law providing for the equal civil rights of citizens of the United States, or by any statute, or by the Fourteenth Amendment. A mixed jury in a particular case is not essential to the equal protection of the laws.

The mere fact that a grand jury is composed of white men is no ground for quashing an indictment against a Negro. This is simple law, simple enough even for a Lowell from Boston to understand. The Supreme Court has made some hair-splitting distinctions as to what constitutes discrimination against a Negro because of his color, but it has never held that a Negro cannot be indicted by a grand jury of white men or tried by a jury of white men

Killings-1933

Virginia

PETERSBURG, VA.
PROGRESS-INDEX

OCT 31 1933

The Crawford Case

IT IS SUGGESTED by Virginius Dabney, Richmond correspondent of the New York *Times*, in a despatch to that newspaper, that George Crawford, the Negro extradited from Massachusetts on the charge of murdering two white women in Loudoun county, will be reindicted and that one or more Negroes will be summoned to sit on the grand jury returning the indictment. No Negroes were on the grand jury which found the original indictment. Mr. Dabney also suggests that one or more Negroes will be summoned for the petit jury which will try Crawford.

But how can a Negro be summoned for service on the trial jury?

Under the Virginia law the jury list is compiled at the beginning of each year by commissioners appointed by the judge. The commissioners never place Negroes on such list The judge has no authority to summon for jury service any citizen whose name is not on the list as compiled by the commissioners. So there is no way whereby a Negro may be obtained for service on the jury which is to try Crawford, except that Judge McLemore, who has been designated by Governor Pollard to preside at the trial in the place of Judge Alexander, who asked to be relieved, might entertain a motion by the defense to summon a trial jury from another county. In such case the judge of the court of the county from which the jury was to be drawn could select the panel from among citizents of the county without being compelled to draw names from the jury list. The trial judge likewise is clothed with power to select such panel from the county from which the jury is to be taken. Section 4901 of the Code of Virginia seems to grant this authority. It reads as follows:

> In a criminal case in any court, if qualified jurors, not exempt from service, cannot be conveniently found in the county or corporation in which the trial is to be, the court may cause so many of such jurors as may be necessary to be summoned from any other county or corporation by the sheriff or sergeant thereof, or by its own officer, from a list to be furnished either by the trial judge or by the judge of the Circuit Court of the county or the Corporation Court of the city, from which the said jurors are to be summoned.

Owing to the refusal of Judge Lowell, of a Massachusetts Federal District Court, to permit Crawford to be brought back to Virginia, alleging as reason for his decision that he would not be given a fair trial in this State since Negroes were not summoned for jury service in Virginia, it is incumbent upon the Loudoun court to proceed with extraordinary care to assure absolutely a fair trial for Crawford. Designation of Judge McLemore to preside at the trial is assurance that the prisoner's rights will be most carefully guarded. Judge Alexander doubtless would have presided with equal satisfaction to all, but he felt a delicacy in doing so owing to his connection with the record in the case.

CRAWFORD CASE ENDS IN LEGAL LOVE FEAST

Opposing Counsels and Judge Join in Laudatory Remarks.

12-23-33

LEESBURG, Va.—None of the bitterness and tension that accompanies most murder trials with and without antagonistic racial feelings, was apparent in the court-room as the Crawford trial came to a close, Saturday.

With the jury outside, the waiting counsel indulged in what on its face appeared to be a verbal love feast. Laudatory words of praise were heaped upon both sides by opposing attorneys and capped off with a commendatory word from Judge McLemore which was extended to include both the populace and the press for the total absence of hatred and strife. quotations from their speeches follow:

CAPTAIN FRANK WRAY, assistant prosecutor from Clarke County:

"I do not think I would be doing my duty unless I made mention of the way we feel about your honor and the way you have handled this case. We feel that you have brought honor to your own distinguished record and to the judiciary of Virginia as a whole."

* * *

JUDGE McLeMORE:

"I approach the close of this case with a new vision. This case has almost been an oasis in a desert, and certainly so, as far as conduct of counsel is concerned. I have never seen counsel conduct themselves with such restraint, such universal courtesy, such regard for the feelings of others, without sacrificing the interests of either the defendant or the commonwealth.

"Both sides have been so well represented that they must feel that they have the approval of their own conscience and the approbation of the citizens as well."

* * *

SENATOR CECIL CONNERS:

"I feel that the conduct of this case and the utter lack of demonstrativeness on the part of the citizens in general is a tribute to the culture of Loudoun County and both the attorneys for the defense and the visiting judge who hales from another judicial circuit will consider themselves welcome here at all times."

* * *

CHARLES H. HOUSTON, chief defense counsel:

"The fact that we found it necessary to disagree with your rulings on the jury question, which was the paramount issue in this case, does not reflect on the profound respect and high regard we have for you, Judge McLemore not to mention our affection.

"Throughout the course of this trial neither I nor my associates have felt the slightest hostility.

"On this question of the jury system we cannot withdraw from our position although we know that it strikes deep at traditions which you all hold dear.

"We appreciate, however, to the utmost that we cannot hope to rise by tearing down your institutions. We can only hope to rise by convincing you that we are entitled to share your institutions without endangering them.

"For that reason, alone, we served in this case without fee so that in raising this question nobody could say we had a motive of pecunary gain.

"When we settle questions like this we do not want them settled as to a particular case. We would not want the officials of the county to begin a battle of wits as to how to escape putting Negroes on juries.

"Questions like these to be settled satisfactorily must rest upon the acceptance of the community. We do not expect to see things changed overnight.

"If on all sides there is a feeling of sincerity and purity of purpose we shall all have the feeling that the dignity of the commonwealth and its sovereignity lie in the keeping of all of its citizens, black and white."

The Crawford Verdict

THE verdict of twelve white Loudoun County jurors at Leesburg, Virginia, last Saturday, convicting GEORGE CRAWFORD of murder and fixing his punishment at life imprisonment may be regarded as a vindication of Virginia justice.

When CRAWFORD was sought by the Commonwealth for the murder of a wealthy white Middleburg sportswoman and her white maid, his extradition from Massachusetts was opposed on the ground that he would not get a fair trial in Virginia because Negroes were denied jury service.

The JOURNAL AND GUIDE'S stand on the jury question is unequivocal. Any systemtatic exclusion of Negroes from service on grand or petit juries is the violation of a substantial constiutional right which should be fought unflinchingly. But in this particular case, the JOURNAL AND GUIDE believes that CRAWFORD received a fair quality of justice.

However, it is to another aspect of the case that we address ourselves. Unquestionably, the verdict is a moral victory, in some degree, for DR. CHARLES H. HOUSTON, acting dean of the Howard Law School, and chief of the all-Negro staff of defense lawyers retained by the National Association for the Advancement of Colored People.

Viewing the trial in retrospect, it is apparent that both the N. A. A. C. P. and defense counsel were mislead as to some facts relating to the innocence which CRAWFORD asserted. Nevertheless, only praise can be meted out to them for the courageous and scholarly manner in which they defended CRAWFORD.

All three prosecution lawyers who argued to the jury praised the defense counsel. Judge JAMES L. McLEMORE said, "In all the cases I have tried in twenty-seven or twenty-eight years on the bench, I have never tried a case where the facts have been such as these and as successfuliy as white counsel. The conclusion, which upsets any that the temper of the courtroom proof, unfortunate notion that still car has been such as it has been here. ous-ries much weight in some quar I have never seen counsel conduct malters, is obvious. Well trained, dig themselves with such restraint, entnified, capable Negro lawyers can courtesy, such respect for the feelcommand the respect of southern ings of others. I approach the courts and juries. And they can close of this case with the feeling defend colored prisoners accused that I have somehow caught a of crimes against whites as ably new vision of how a case ought to be conducted."

Killings-1933

Virginia

PETERSBURG, VA.
PROGRESS-INDEX

OCT 31 1933

The Crawford Case

IT IS SUGGESTED by Virginius Dabney, Richmond correspondent of the New York *Times*, in a despatch to that newspaper, that George Crawford, the Negro extradited from Massachusetts on the charge of murdering two white women in Loudoun county, will be reindicted and that one or more Negroes will be summoned to sit on the grand jury returning the indictment. No Negroes were on the grand jury which found the original indictment. Mr. Dabney also suggests that one or more Negroes will be summoned for the petit jury which will try Crawford.

But how can a Negro be summoned for service on the trial jury?

Under the Virginia law the jury list is compiled at the beginning of each year by commissioners appointed by the judge. The commissioners never place Negroes on such list. The judge has no authority to summon for jury service any citizen whose name is not on the list as compiled by the commissioners. So there is no way whereby a Negro may be obtained for service on the jury which is to try Crawford, except that Judge McLemore, who has been designated by Governor Pollard to preside at the trial in the place of Judge Alexander, who asked to be relieved, might entertain a motion by the defense to summon a trial jury from another county. In such case the judge of the court of the county from which the jury was to be drawn could select the panel from among citizents of the county without being compelled to draw names from the jury list. The trial judge likewise is clothed with power to select such panel from the county from which the jury is to be taken. Section 4901 of the Code of Virginia seems to grant this authority. It reads as follows:

> In a criminal case in any court, if qualified jurors, not exempt from service, cannot be conveniently found in the county or corporation in which the trial is to be, the court may cause so many of such jurors as may be necessary to be summoned from any other county or corporation by the sheriff or sergeant thereof, or by its own officer, from a list to be furnished either by the trial judge or by the judge of the Circuit Court of the county or the Corporation Court of the city, from which the said jurors are to be summoned.

Owing to the refusal of Judge Lowell, of a Massachusetts Federal District Court, to permit Crawford to be brought back to Virginia, alleging as reason for his decision that he would not be given a fair trial in this State since Negroes were not summoned for jury service in Virginia, it is incumbent upon the Loudoun court to proceed with extraordinary care to assure absolutely a fair trial for Crawford. Designation of Judge McLemore to preside at the trial is assurance that the prisoner's rights will be most carefully guarded. Judge Alexander doubtless would have presided with equal satisfaction to all, but he felt a delicacy in doing so owing to his connection with the record in the case.

CRAWFORD CASE ENDS IN LEGAL LOVE FEAST

Ass-Americus

Opposing Counsels and Judge Join in Laudatory Remarks.

12-23-33

LEESBURG, Va.—None of the bitterness and tension that accompanies most murder trials with and without antagonistic racial feelings, was apparent in the court-room as the Crawford trial came to a close, Saturday.

With the jury outside, the waiting counsel indulged in what on its face appeared to be a verbal love feast. Laudatory words of praise were heaped upon both sides by opposing attorneys and capped off with a commendatory word from Judge McLemore which was extended to include both the populace and the press for the total absence of hatred and strife.

quotations from their speeches follow:

Baltimore Md.

CAPTAIN FRANK WRAY, assistant prosecutor from Clarke County:

"I do not think I would be doing my duty unless I made mention of the way we feel about your honor and the way you have handled this case. We feel that you have brought honor to your own distinguished record and to the judiciary of Virginia as a whole."

* * *

JUDGE McLeMORE:

"I approach the close of this case with a new vision. This case has almost been an oasis in a desert, and certainly so, as far as conduct of counsel is concerned. I have never seen counsel conduct themselves with such restraint, such universal courtesy, such regard for the feelings of others, without sacrificing the interests of either the defendant or the commonwealth.

"Both sides have been so well represented that they must feel that they have the approval of their own conscience and the approbation of the citizens as well."

* * *

SENATOR CECIL CONNERS:

"I feel that the conduct of this case and the utter lack of demonstrativeness on the part of the citizens in general is a tribute to the culture of Loudoun County, and both the attorneys for the defense and the visiting judge who hales from another judicial circuit will consider themselves welcome here at all times."

* * *

CHARLES H. HOUSTON, chief defense counsel:

"The fact that we found it necessary to disagree with your rulings on the jury question, which was the paramount issue in this case, does not reflect on the profound respect and high regard we have for you, Judge McLemore not to mention our affection.

"Throughout the course of this trial neither I nor my associates have felt the slightest hostility.

"On this question of the jury system we cannot withdraw from our position although we know that it strikes deep at traditions which you all hold dear.

"We appreciate, however, to the utmost that we cannot hope to rise by tearing down your institutions. We can only hope to rise by convincing you that we are entitled to share your institutions without endangering them.

"For that reason, alone, we served in this case without fee so that in raising this question nobody could say we had a motive of pecunary gain.

"When we settle questions like this we do not want them settled as to a particular case. We would not want the officials of the county to begin a battle of wits as to how to escape putting Negroes on juries.

"Questions like these to be settled satisfactorily must rest upon the acceptance of the community. We do not expect to see things changed overnight.

"If on all sides there is a feeling of sincerity and purity of purpose we shall all have the feeling that the dignity of the commonwealth and its sovereignity lie in the keeping of all of its citizens, black and white."

The Crawford Verdict

THE verdict of twelve white Loudoun County jurors at Leesburg, Virginia, last Saturday, convicting GEORGE CRAWFORD of murder and fixing his punishment at life imprisonment may be regarded as a vindication of Virginia justice.

Journal and Guide
Norfolk Va.
12-23-33

When CRAWFORD was sought by the Commonwealth for the murder of a wealthy white Middleburg sportswoman and her white maid, his extradition from Massachusetts was opposed on the ground that he would not get a fair trial in Virginia because Negroes were denied jury service.

The JOURNAL AND GUIDE'S stand on the jury question is unequivocal. Any systemtatic exclusion of Negroes from service on grand or petit juries is the violation of a substantial constiutional right which should be fought unflinchingly. But in this particular case, the JOURNAL AND GUIDE believes that CRAWFORD received a fair and as successfully as white counsel.

The conclusion, which upsets all the facts have been such as these proof, unfortunate notion that still car has been such as it has been here. mony, many thanks to DR. HOUSTON, his aides, and to the National Association for the Advancement of Colored People.

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WHAT HAPPENED AT LEESBURG

An Analysis of the Crawford Trial by AFRO Staff Observer

By RALPH MATTHEWS

LEESBURG, Va.—The eyes of the nation are turned toward this quaint little Virginia town, steeped in the traditions of the old South where an unusual experiment in legal history has just taken place.

George Crawford, a diminutive little black man, has just been sentenced to life imprisonment by an all-white jury, hand-picked from a community seething with both indignation at a horrible crime, fanned to even greater intensity by a battle over a Constitutional issue which was alien to all beliefs and practices in the Old Dominion where the Confederacy and its principles are still omnipresent.

People on the outside, far removed from the scene of this legal battle, motivated as it is by forces, prejudices and foibles stronger than the men whom the fates are using as puppets in this great social drama, wonder how it was possible for such a verdict to be rendered.

This inquiry is all the more unanswerable when they recall that it comes almost on the heels of a tragic miscarriage of justice in Decatur, Alabama; on the heels of the most demoralizing lynch orgy the nation has ever known; on the heels of a general and inhuman disregard for law and order bordering on to savagery wherever the unreasoning serpent of racial hatred rears its slimy head.

Those closer to the scene watching the play of human emotions at work in this particular case came nearer to a solution.

Here on the one hand we find white men jealous of the honor and integrity of the commonwealth of which they are a part, stretching every possible measure to purge the name of the state of Old Virginia of the stigma that has been placed upon it by the outside world. And on the other hand, black men, descendants of the people once held in bondage here, striving zealously to lift their race by its own bootstraps and eradicate the blot of inferiority that that same bondage has left upon them.

The panorama, as it unfolds in this antiquated courtroom, is intriguing as the new generations of what was once master and slave engage in mental battle at the bar for spiritual emancipation as stubbornly as the forebears battled before physical emancipation became a reality.

While the life of a man is at stake, important as life is to any being, it sinks into insignificance beneath the more important factors seldom mentioned, but stronger felt, in the consciousness of both parties to the struggle.

Here is a man who confesses to participation in an atrocious crime in itself enough to arouse mass resentment without the additional stimulus of hatred exaggerated by the fact that he is black and his victims white.

Here is a man who has defied the power of tre commonwealth exposed their illegal practices and demanded that customs accepted as right because of long usage be scrapped for his particular benefit.

But beneath it all here is a man almost forgotten as his personality is dwarfed into nothingness by things more vital to the actors in this drama, far more important than his hitherto worthless life could possibly be.

On trial here is not the diminutive George Crawford, ex-thief, ex-convict, confessed accomplice to a double murder. On trial here is the honor of Virginia, accused by a sister state of violating tenets of the Constitution which the founders had sworn to uphold by denying to a portion of her citizens the right to a fair and impartial trial by a jury of their peers.

On trial here is the lily-white jury system proved in other sections and in this state as well, to be incapable of meting out justice where a black man is concerned.

On trial here is the principle of social inequality which says that a citizen of color must pay for the support of institutions of government but cannot share in their administration.

On the other side of the bar is another array of defendants.

Here we find Negro lawyers, the first time ever to appear in Loudoun County, fighting to prove the capabilities of a minority group once given the benefits of opportunities that their oppressors enjoy.

Here we find the N.A.A.C.P., once the pioneer in the militant struggle for racial advancement, vilified because of its misconstrued conservatism, fighting for the chance to prove that its policy of substituting tact for antagonism is the proper course for permanent adjustment.

Here we find a community, branded because of its physical location, as a mob-ridden, barbarious locality, starving for a chance to rise to heights of savagery and spend itself in gluttonous vengeance upon a defenseless man, anxious to vindicate itself in sane and civilized obedience to the majesty of the law.

With such defendants at the bar, standing before the jury of civilization, pleading for the approval and approbation of the outside world, is there any wonder that George Crawford was submerged? Is there any wonder that in the cold calculating reason of common sense that when weighing one against the other his life was spared in exchange for finer and more lofty abstractions?

Even in the face of confessed guilt George Crawford will not die, but his crime is made none the less repulsive because justice was tempered with mercy.

In a similar way the lily-white jury system and the denial of inalienable rights because of color, was not vindicated because of this isolated attempt at fair play. The system is just as vicious in spite of the fact that it escaped the death penalty just as Crawford did.

Reflecting on the Crawford trial in the light of its termination, one inclined to be graciously liberal might say that here was the old South dying in childbirth for the new.

Virginia and George Crawford

Virginia rose to the occasion and confounded the critics of the administration of justice in this State during the recent trial of George Crawford. With the possible exception of the Elks Convention in 1925, the Old Dominion has never received more favorable advertisement than that which has come to her as a result of this trial upon which the eyes of the nation were focused.

The conduct of the judge and prosecuting attorneys was of the highest order and fully in accord with the best traditions of the Commonwealth which gave birth to Thomas Jefferson and George Mason.

The verdict, in view of the testimony is eminently fair, and is a tribute to the legal ability and alertness of Charles H. Houston and his associates who conducted the defense.

The Richmond Planet is of the opinion that no appeal should be taken, although the main issue which brought the National Association for the Advancement of Colored People into the case remains unsettled. The Jim Crow Jury System prevalent in the South, will be scrutinized by the Supreme Court through the Scottsboro appeals and the decision of the court in these cases will serve the same purpose as that which was sought by the N. A. A. C. P. in taking up the Crawford defense.

CRAWFORD GUILTY, GETS LIFE TERM

Jury Avoids Death Penalty So Negro Can Help Convict Another Still Sought

TRIED FOR ILSLEY MURDER

Prisoner Is Rushed to Virginia Penitentiary at Richmond by State Troops.

LEESBURG, Va., Dec. 16 (AP).—A sentence of life imprisonment was imposed today on George Crawford, Negro, for murdering Mrs. Agnes Boeing Ilsley, prominent Middleburg (Va.) sportswoman.

Soon after a jury of twelve white men found him guilty of the slaying, he left under heavy guard for Richmond to spend the remainder of his life in the State penitentiary.

The death penalty had been asked by the State.

Members of the jury said the lighter penalty fixed by the jury resulted from the appeal earlier in the day by his attorney that his life be spared so he might identify an alleged accomplice, Charlie Johnson.

The Negro attorney, Charles H. Houston, pointed out Crawford had placed the blame for slaying Mrs. Ilsley on Johnson, and that if he were executed the other Negro never could be convicted.

Jury Out Hour 35 Minutes.

Johnson, who is at large, was accused by Crawford, in a confession admitted as evidence, as being the actual killer of Mrs. Ilsley and her maid, Mrs. Mina Buckner, when they entered the former's cottage on Jan. 13, 1932, for the purpose of robbery.

The decision by the jury of nine farmers, one merchant and two bankers, was reached at 3:40 P. M., after they had deliberated for one hour and thirty-five minutes.

They took four ballots. On the first three voted for the death penalty; on the second two did so, and on the third only one favored that action.

Before E. O. Russell, clerk of Loudoun County Circuit Court, read the verdict, Judge James L. McLemore of Suffolk, sent here by Governor John Garland Pollard to preside, warned the crowd in the court room against any demonstration.

Armed State troops were posted in the chamber for the first time during the five-day trial. Immediately after the verdict they escorted Crawford out of the court room and headed toward Richmond.

Before he left, Crawford declared he had "nothing to say" except that he thought it took the jury "a long time" to report.

Will Drop Plan for Appeal.

To protect the prisoner's rights, Houston gave formal notice of appeal, but later told newspaper men that under no circumstances did he plan to press for a reversal by a higher court.

He had planned, he said, to appeal to the higher courts in event the death penalty was imposed.

During the five-day trial defense counsel contended the action was unconstitutional because the Negro race had not been represented on the grand jury or the trial jury.

The brutal double murder of Mrs. Ilsley and her maid and the mystery that surrounded it in the fashionable fox-hunting and horse-raising section of Virginia drew widespread attention.

Crawford was arrested in Massachusetts last Spring and fought extradition. The late Federal Judge James A. Lowell of Boston granted him freedom through a writ of habeas corpus.

The jurist said there was no use sending him to Virginia for trial, because the case in the event of conviction would be reversed by the Supreme Court on the ground that Negroes were barred from juries.

This resulted in impeachment proceedings in the House of Representatives and an investigation of Judge Lowell. His decision was reversed by the Federal Court of Appeals and in October the Supreme Court refused to review it.

Crawford was returned to Virginia in October and was held in jail at Alexandria, thirty miles away, for safe-keeping. He was guarded by State troopers throughout the trial and commuted daily between here and Alexandria.

Killings – 1933

Virginia

Northern Virginia Daily
Front Royal, Va.
FEB 8 1933

THE CRAWFORD CASE

It is but natural that residents of Northern Virginia, and indeed of the entire State, should feel incensed at the testimony presented in Boston yesterday by Miss Helen Boardman, a white woman in the employ of the National Association for the Advancement of Colored People, in opposing the extradition to this State of George Crawford, the negro who has confessed to participation in the slaying of Mrs. Agnes Boeing Ilsley and her maid, Nina Buckner, at Mrs. Ilsley's home near Middleburg on the night of January 13, 1932; for the impression intended to be conveyed by this testimony was grossly unfair to the State of Virginia, libellous of its administration of justice, and a misrepresentation of racial conditions as they actually exist.

Miss Boardman, in her capacity of investigator for the National Association for the Advancement of the Colored People, evidently has visited Middleburg and collected all of the gutter gossip available to shield Crawford from extradition. She learned from a drug clerk that he believed certain "rich" and influential people were so anxious to shield someone that they would be "glad to have Crawford convicted." She mentions several prominent persons with whom she talked while in Middleburg, but wisely perhaps refrains from dwelling upon these interviews except in the case of Justice of the Peace Roy Seaton, of Middleburg. If Justice Seaton was correctly quoted by Miss Boardman, his remarks were so indiscreet, so prejudicial to the interests of his county and State, and the Northern Virginia Daily believes so untrue to fact, as to justify an investigation by the Loudoun County circuit court. If Justice Seaton was misquoted, he should hasten to correct the statements attributed to him.

The Association for the Advancement of the Colored People might be able to command the respect and support of the most intelligent and substantial element of Southern white people if its acts did not repeatedly belie its name. Certainly the interests of the negro race are not advanced by shielding its criminals from justice, libelling the communities in which negroes live, and promoting racial discord and strife.

NORFOLK, VA.
VIRGINIAN-PILOT

FEB 10 1933

Note On An Extradition Case

The hearing before an Assistant Attorney General of Massachusetts on the extradition of the man variously known as George Crawford, Charles Smith and James Taylor, charged with the death of Mrs. Agnes Boeing Ilsley and her maid, Nina Buckner, near Middleburg, Va., has developed so many contradictions that it is impossible for anyone now to form an opinion as to actual guilt. Crawford has made a confession in Boston, recorded by a Boston stenographer, directly implicating himself in the crime, although not containing an admission that he killed either woman; and in addition various witnesses think they saw him in the vicinity near the date of the crime. On the other hand, he later repudiated this confession, and has produced three witnesses who say he was in Boston at the time. The National Association for the Advancement of Colored People has reported through its investigators that Crawford is being made a scapegoat and that Middleburg people would willingly see him punished in place of the real criminal. On this basis it is asserted that he could not obtain a fair trial. In turn, this testimony has been disputed by those alleged to have given it.

Finding the truth in this confusion will never be easy. But all this evidence, it should be emphasized, comes out of an extradition hearing. The question before the Attorney General is not whether Crawford is guilty, but whether he should be extradited in response to the request of the State of Virginia. The real issues for Massachusetts to consider are whether the charges are clearly trumped up and whether Crawford has no reasonable chance of a fair trial if extradited. In approaching such questions Massachusetts could well take account of the evidence presented in this hearing. It could even distinguish between a man convicted and a man charged with crime. But plainly Massachusetts is not passing upon Crawford's innocence or guilt if it accedes to the extradition request. And just as plainly it is under obligation to take into account the character of judicial processes in Virginia. Crawford is innocent until he may be proved guilty. Virginia justice for Negroes, we submit, is to be trusted until it has proved itsely untrustworthy. It has not proved untrustworthy in the past to any such extent as to substantiate the assertion that Crawford will be railroaded.

In the final analysis, the question is justice for a human being. But at the same time, such a hearing as that now in progress, when added to others in recent weeks, suggests an exploitation of the extradition refuge beyond any right or reason. Its potency in extreme cases remains of value. Its abuse in every instance where mere suspicions are aroused can lead to grave damage to the spirit of law and comity.

Crawford Hearing Again Postponed

BOSTON, Mass.—The hearing in the Crawford extradition case, being fought here by attorneys for [illegible] Douglas, has been postponed again. The new date has not been set by the court.

The Boston attorneys for Crawford are being assisted by Messrs. Charles H. Houston, Edward P. Lovette and Thurgood Marshall of Washington, D.C. Mr. Houston is vice dean of Howard University law school and a member of the national legal committee of the N.A.A.C.P.

Virginia authorities are seeking to return Crawford to that state to face trial for the murder of Mrs. Agnes B. Ilsley and her maid.

Washington D.C. Times 2-28-33

JUDGE LOWELL.

At the request of Governor POLLARD of Virginia, Governor ELY of Massachusetts issued an order for the extradition of a Negro charged with a double murder. Federal District Judge LOWELL of Boston granted a writ of habeas corpus. He admitted that the defendant "would get a fair trial in Virginia." By custom, not by law, Negroes do not serve on juries in that State. Judge LOWELL cited NEAL v. State of Delaware, decided by the Supreme Court in 1881. The defendant was a Negro indicted for rape. The vital point of the decision was that exclusion of Negroes from the grand and petty juries, if made by the jury commissioners without authority derived from the Constitution and laws of the State, was a violation of the prisoner's rights under the Constitution and laws of the United States, which the trial court was bound to redress; and the remedy for any failure in that respect is ultimately in this court upon writ of error to the State court.

Judge LOWELL was not assailing "the fair name of Virginia." He was holding, in effect, that it would be a waste of time to try in a State court a case sure to be appealed in the Supreme Court. Instead of intervening on the strength of a fifty-year-old decision, it would have been wiser to let the fugitive from justice go back, stand his fair trial and exhaust his remedy. But a possible error in judgment doesn't deserve the hard and hot words that flew about in the House on Wednesday, when the Judiciary Committee was directed to investigate Judge LOWELL'S conduct in the matter. The sudden devotion of the majority to a Constitution which they have been kicking in the head so industriously may be thought to indicate not a late repentance but the desire to find a scapegoat.

A Latter-Day Abolitionist

Amsterdam 2-29-33 Morning News

It is a curious thing to read of the action of the federal judge who freed in Boston, a Negro wanted on a murder charge in Virginia. The reason given by the judge was his opinion that the Virginia courts were incapable of trying the Negro in a just manner. Now a member of Congress from Virginia has risen in resentment against the Massachusetts judge. Claiming that the people of his State have been insulted, the Virginian announces that he will search the law books for grounds on which the Boston jurist might be impeached.

When it is learned that the Massachusetts judge is named Lowell, the matter becomes all the more interesting. If only the Virginian were named Hampden, Lee or Custis, we might swear that the years had been turned back to the quarrelsome era before the War Between the States. Unfortunately, the Virginian's name is Smith. That mitigates slightly against the complete success of the illusion.

One of the worst aspects of wartime propaganda is that it so often outruns the work that it is supposed to do. When such persons as John Brown, William Lloyd Garrison and the saintly Dr. Henry Ward Beecher were made useful in stirring up racial animosities in order to give the prospective War Between the States an effective mass appeal, it is very strange that more persons of that time should

not have been able to recognize the patent falsity of the propaganda thrown at their feet. It has taken only about 15 years for most Americans to become fully aware of the false nature of the anti-German propaganda of the last war. Yet, the tales spread by such books as "Uncle Tom's Cabin" still persist in the emotional bias with which some of our Northern friends view racial questions in the South. The picture of a Lowell in Boston is not usually connected with the rabid type of prejudice which distinguished Bostonians of quite another class, such as William Lloyd Garrison. Can it be that this is the manner in which the Puritan conscience answers for the Sacco-Vanzetti case?

Bostonians lack a sense of humor. A slighting remark about their steamed clams at a banquet, however tough and tasteless the clams may be, is quite sufficient to dull the edge of conversation for several days. Bostonians like visitors to know as soon as possible the queer pronunciations which they give to some of their streets. What they call Tremont Street, for instance, is neither English nor Irish. Perhaps it is a kind of Puritanism in speech, for certainly they can brook no pronunciation other than their own. Provincial beyond belief the Bostonians never realize that they are funny themselves, although they love to smirk at the peculiarities of other folk.

If Judge Lowell had a sense of humor, he would realize what a spectacle he has made of himself—not as a judge (far be it from us to pass upon the edicts of a court)—but as a Bostonian. From a purely human point of view, he has exhibited one of the most curious twists of the Puritan conscience, a perversion of the human souls which one might consider totally extinct by now, were it not for its occasional virulent outbursts.

The action of the New Jersey governor in refusing to allow Georgia officers to arrest the much-publicized "fugitive from a chaingang" has no direct bearing on this case. Evidence in the chaingang matter had been carefully reviewed by the New Jersey governor before he finally decided upon a course; obviously, the sympathy of the country had been aroused in favor of the fugitive, through the influence of his literary and dramatic talents. Perhaps the Boston jurist is not yet satisfied with the outcome of the War Between the States. Puritans have always had a perfectly terrible time in their efforts to control the rest of the world.—Birmingham News.

SOME LIBERALS TURN

A few weeks ago the press of the Nation had occasion to pass judgment on justice as it is given in Alabama.

There was a trial in North Alabama, (It was in Decatur, if memory serves us right) where a jury decided that the defendant was guilty of a serious crime.

With few exceptions the whole of the press outside this State adversely criticized the jury verdict. And among the newspapers which saw fit to bring questions into the case other than that of the guilt or innocence of the prisoners were several highly respected Virginia journals.

Most of the Virginia newspapers, with a somewhat pseudo-altruistic attitude that comes so easily to those who deplore the treatment of their neighbor's children (and who do not share the responsibility of rearing the children), condemned the jury's verdict.

It seems that the Virginia newspapers believed the Negro defendant suffered at the hands of prejudiced Alabama whites.

This sideline liberalism is made all the more interesting now that the Virginia press has had time to express its opinion of the conduct of the snooty, blue-blooded Judge Lowell, of Boston.

The gentleman of that city where the Lowells speak only to the Cabots and the Cabots speak only to God and where (according to superstitious tradition) gilt-edge snobbery is surpassed only in "Ole Virginia, Suh," thinks the jury system in the Grand Old State is all wrong.

But the Virginia press, which, after all, knows more about justice in Virginia than does the prejudiced Lowell, of Boston, says that Virginia is capable of seeing justice done without outside interference.

Far be it from us to overlook a chance to criticize adversely Virginia justice—or justice anywhere—should false steps be taken. And far be it from us to resent criticism of our own State if it is fair and just.

But somehow we believe that the Virginia newspapers, including the brilliant Norfolk Virginian-Pilot, which condemned justice in Alabama and later defended the right of Virginia to decide the guilt or innocence of its Negro fugitive were wrong the first time and right the second time.

We believe that a jury of 12 white Alabamians can be just as fair to a Negro defendant as can be 12 white Virginians to a Negro defendant. And certainly we believe 12 white Virginians will be more fair with any Negro defendant than one white Massachusetts jurist has been to the State that gave Thomas Jefferson and Woodrow Wilson to the world.

Yet if the charge against the Virginia fugitive was not such a serious one, and if the murder of two women was not such a deplorable crime, truly we would enjoy watching some of the newspapers of that State uncomfortably swallowing their own ink.

INQUIRY ON LOWELL FOR FREEING NEGRO IS VOTED BY HOUSE

Committee Is Directed, 209 to 150, to Investigate Judge's Decree at Boston.

SMITH LEADS ACCUSATION

Virginian Asserts That Attack on His State's Jury System Nullifies Its Laws.

LUCE SPEAKS IN DEFENSE

Calls Any Malfeasance Suggestion Absurd—Eastern Delegations Support Jurist.

Special to THE NEW YORK TIMES.

WASHINGTON, April 26.—The House by a vote of 209 to 150 today directed the Judiciary Committee to investigate the refusal of Federal Judge James A. Lowell at Boston to permit the extradition to Virginia of George Crawford, a Negro, under indictment in that State for the murder of Mrs. Agnes B. Ilsley of Middleburg, and the latter's maid, Mrs. Nina Buckley. The resolution was offered by Representative Smith of Virginia.

Representative Smith impeached Judge Lowell on the floor, charging that in the Crawford case the judge "knowingly and willfully violated his oath to support the Constitution," and in ordering the release of Crawford "defeated the ends of justice, and sought to prevent Crawford's trial in the only tribunal having jurisdiction in the case."

He accused Judge Lowell of "willfully, deliberately and viciously attempting nullification of the laws of Virginia," despite numerous decisions of the Supreme Court to the contrary.

Luce Defends the Judge.

Representative Luce of Massachusetts, in whose district Judge Lowell lives, led the battle to defeat the resolution and was supported by the almost solid delegations from the East, regardless of party affiliation. Of the New York City delegation, only two members, Representatives O'Connor and Griffin, voted for the resolution. Representative Black of Brooklyn was one of the most outspoken of the opponents.

"Judge Lowell is not only my constituent," said Mr. Luce, "but through many years has been my personal friend. I know of no man in the State of Massachusetts who stands higher in the respect of those who know him than James A. Lowell. I testify that he is a man of exceptional intelligence, a man of perfect probity, a man with the highest regard for justice, a man who has filled his office honorably.

"Suggestions that this is part of a career of malfeasance are absurd. His position in life, his associations, his whole course, repell as preposterous the suggestions made in the press that he has been influenced by Communistic motives or influences.

"I would call your attention to the fact that many of the charges against Judge Lowell were quotations from the press. Who here passes a week without some misquotation of what he has said? Who here but has been put in a false position by what the press has said about his utterances?"

Mr. Luce asked if Congress stood ready to support the extradition of a man to a State where it was believed the man would be unable to obtain justice. He asked the House to remember the Scottsboro case. Virginia, according to Mr. Luce's understanding, views this particular question "from a point of view other than that of a man from a Northern State."

The resolution carries an appropriation of $5,000 to finance the inquiry, which the committee is expected to begin within a few days.

Steps Taken for Early Hearing.

By The Associated Press.

BOSTON, April 26.—Possibility of a special session of the United States Circuit Court of Appeals to hear the appeal of the State of Massachusetts from Judge Lowell's grant of a writ of habeas corpus for the release of George Crawford was seen today in action of Crawford's counsel, J. Weston Allen, former Attorney General of Massachusetts. Mr. Allen conferred with Assistant Attorney General Bacigalupo of Massachusetts regarding such a request.

Mr. Bacigalupo said he had no objection. The court will adjourn soon, to convene again in October, when the Crawford case has been set for hearing.

The jurist continued to withhold comment on condemnation of his action. He granted the writ because, he said, the United States Supreme Court would nullify a conviction in Virginia because Negroes do not serve on juries there. The writ was sought after Governor Ely had acceded to the request of Virginia that Crawford be extradited.

Framed Va. Negro On Trial Today

RICHMOND, Va., Nov. 13.—Th lynch trial of Reginal Leftwich, Negr worker framed on a murder charg is to be resumed Tuesday, Nov. 14 i Rustburg, Va., it was reported toda The trial originally began on Sept. 1 n a tense lynch atmosphere care fully whipped up by the boss pres Ernest A. Merrill, a Negro attorney was retained by the International Labor Defense to defend the framed worker.

At that time the state raised question of the sanity of Leftwich in attempt to befuddle the issue. It is now reported he will be declared sane to facilitate the attempts of the court to railroad him to the electric chair.

The I. L. D. is arranging a series of defense conferences throughout the state to mobilize the white and Negro toilers against this latest frame-up. Attorney Merrill and T. H. Stone, I. L. D. organizer, will be present at most of these conferences. The I. L. D. is appealing for funds for the defense to be sent to William Friend, 29 East Main Street, Richmond Va.

Killings-1933

Virginia.
6

LOWELL, MASS.
EVE. LEADER

OCT 18 1933

Virginia Scores.

Judge Lowell's refusal to grant the extradition from Massachusetts to Virginia of George Crawford, a Negro implicated in a murder, was based on the ground that Negroes did not serve on grand juries in the Southern state and that Crawford would therefore be deprived of his constitutional rights. This decision was reversed by the Appelate court. And now the Supreme court has refused to review the case.

It is fair to Judge Lowell to say that his view of the matter has been shared by many who are opposed to the setting up of racial distinctions. One result of it has been the possibility that Negroes may serve on the grand jury which will consider the Crawford case. As we understand, they have been eligible to serve, but in practice they were not permitted to do so.

It will be interesting to see what effect the Supreme court's action will have on the congressional investigation of Judge Lowell's course on the bench. Here in Massachusetts there has never been any question of his absolute integrity and sincerity.

COLUMBUS, O.
DISPATCH

OCT 23 1933

Forgot the Limits of His Jurisdiction

DURING the last spring, a Negro in Virginia was indicted for a double murder, but fled to Massachusetts. In that state he was arrested, and Governor Ely had issued an order for his extradition to Virginia, when Federal Judge James A. Lowell granted a writ of habeas corpus and ordered his release, on the ground that Negroes are not permitted to serve on juries in that state.

"Why send this Negro back to Virginia," said Judge Lowell, "when I know and everyone knows that the supreme court will say the trial is illegal? The only ones that would get anything out of it would be the lawyers."

The state of Massachusetts appealed Judge Lowell's ruling, and the ruling was reversed in the circuit court of appeals. "It was not intended by congress," said the appeals court, "that the federal courts should, by writ of habeas corpus, obstruct the orderly administration of the criminal laws of a state through its own tribunals."

The supreme court has declined to review the case, and the accused man will now be sent back to Virginia for trial on the indictment. It was not for him to say what the supreme court would or would not do in a case not yet before it, and the time and place to raise the question of the legality of a trial in Virginia was in Virginia when the case should come up for trial, or after a supposedly illegal verdict had been rendered.

Incidentally, it seems that Negroes are not legally disqualified for jury service in Virginia, since it is reported that Negroes have been called for such service in Virginia courts during the past few months. It may be added that written charges against Judge Lowell are now before the judiciary committee of the house at Washington, based on several acts alleged to be abuses of his judicial authority.

The institution of impeachment proceedings against JUDGE LOWELL in Congress, and the reversal of his decision by the United States Circuit Court of Appeals served further to attract the attention of citizens in all parts of the country. It is safe to say that the trial will equal in interest the famous Scottsboro case.

Certainly the National Association for the Advancement of Colored People will keep the limelight of publicity turned on the courtroom. The association already has raised a defense fund and chief counsel for CRAWFORD will be DEAN CHARLES HOUSTON, of the Howard University Law School a Harvard graduate and one of the leading Negro attorneys in the country.

Virginia will let its justice be swerved neither to right nor left by the public interest expressed in the case. Virginians are certain in their own minds that CRAWFORD will receive impartial judgment. It remains only to convince the rest of the country that such is the case.

With CRAWFORD now returned to Virginia and the case likely to go to trial within a month, JUDGE ALEXANDER has asked to be excused from hearing the opening phase on the ground that his action in drawing the grand jury list is under attack in CRAWFORD'S motion to quash the murder indictment and that he himself may be called as a witness in this connection. Properly, GOVERNOR POLLARD named JUDGE MCLEMORE.

Virginia is moving circumspectly in the case. This is wise. It should make plain to the rest of the country that a repetition of the race hatred evident in the Scottsboro case is an impossibility in the Old Dominion.

Let CRAWFORD be given every benefit of the law. Let the facts, pro and con, be developed clearly. Let the jury act without prejudice. Be the decision what it may, let Virginia stand forth before the nation as a State in which justice is administered fearlessly and in accordance with the evidence.

RICHMOND, VA.
TIMES DISPATCH

OCT 30 1933

Eyes on Virginia

THE eyes of the country will be upon Virginia when GEORGE CRAWFORD, Negro, goes to trial on a charge of murdering MRS. AGNES BOEING ILLSLEY, sportswoman, and her elderly white maid.

National attention was called to the case when JUDGE JAMES ARNOLD LOWELL of the United States District Court in Boston granted a stay of an extradition order on the ground that Virginia does not permit Negroes to serve on juries. JUDGE LOWELL overlooked the fact that Negroes have served on grand and petty larceny juries since the Civil War, although it is true that they seldom are called.

NORFOLK, VA.
LEDGER-DISPATCH

OCT 30 1933

Justice and the Crawford Case

The notoriety given the case of George Crawford, Negro, accused of the murder of two women in Loudoun County nearly two years ago, has not been of Virginias' making but the circumstances that prevented the return of the accused to this state for trial until recently naturally center attention on the prospective proceedings at Leesburg, especially with respect to the inclusion of Negroes on the jury lists.

An attorney for Crawford has filed with the court a motion to quash the indictment on the ground that the rights of the accused guaranteed by the Federal Constitution have been violated because there were no members of his race on the grand jury that made the presentment. Stripped of legal verbiage that is in effect the point on which Federal Judge Lowell at Boston undertook to release Crawford under a writ of habeas corpus, holding that the Supreme Court of the United States, in the light of the Scottsboro (Ala.) case opinion, would not uphold a conviction in a court where Negroes were not called for jury service when a fellow-member of the race was up for indictment or trial.

The Federal circuit court of appeals for New England over-ruled Judge Lowell and the Supreme Court at Washington refused to review the case, but since the lower courts action at least one circuit judge in Virginia has ordered Negroes included in the grand and petit jury lists. The practice has not become general in the state as yet, but since the issue is being made at Leesburg the outcome of the motion to quash will be watched with interest as setting a precedent especially in those counties and cities where there are usually a large number of Negroes brought to trial in the criminal courts.

Judge R. H. L. Alexander has disqualified himself to sit in the trial of Crawford since he presided when the indictment was returned, and Judge James L. McLemore, of Suffolk, has been designated by the Governor to take his place on the bench.

Another grand jury, with at least one Negro included in its membership, might be impannelled to return a new indictment against Crawford, and thus obviate any question as to the validity of the procedure so far taken; or the issue may be met squarely by arguments and brief before the trial judge on the motion to quash the indictments on which Crawford was returned to Virginia.

In any event, the question as to the inclusion of Negroes on the petit jury list will arise when the case comes up for trial, and the presiding judge may well dispose of the whole issue at one time and thus expedite the proceedings.

Virginia justice in capital crimes—whatever the race of the accused—has been scrupulously fair as a general rule, and where the rights of a defendant have been jeopardized judges have been quick to set aside verdicts of conviction and grant new trials.

In the Crawford case, it is unnecessary to assert that justice will be done. The Governor in Judge McLemore, has designated an able, fearless and experienced jurist to preside, and the rights of the accused will be fully protected.

Virginia and Texas Know

Virginia is having multiple troubles on questions raised in the courts about her treatment of Negroes. Recently extradition of a Negro accused of crime was denied by a Massachusetts judge because there were no Negroes on the grand jury that indicted him. Virginia showed that Negroes were on the grand jury, but that didn't alter the extradition decision.

Texas has had her troubles because of refusal to allow a Negro to vote in one of her primary elections, and on last Saturday, returning to Virginia, Judge C. Vernon Spratley, of Elizabeth City County Circuit court, near Newsport News, Va., awarded damages to a Negro who had been refused privilege of voting in a primary, the judgment being issued against the three election judges. It is now a matter for a jury to decide as to how much of the $10,000 sued for shall be awarded in damages.

These cases will come with a great deal more regularity as they are won from time to time. In the cases so far brought into court the Negro plaintiffs claimed to be members of the party holding the primary, and as both of these cases were in Southern states, it is presumed the primaries were Democratic. The plan of the white people has been to hold white primaries, instead of Democratic primaries, but as in the case of the Texas Negro, this draws a color line which is in violation of the plain requirements of the federal constitution—and the Negro is able to show that while he is not white, he is a Democrat, and that as primaries in the South practically determine the successful candidate; and as he was not allowed to vote in the white primary he was excluded on account of his color, and therefore completely disfranchised because the primary is the only election that counts.

The question is one that is going to have to be faced by every community. The Negro has had it impressed upon him that he has many limitations and hardships imposed upon him because he is not educated; he is required to read and interpret a clause in the constitution as a prerequisite to registering, whereas the white man who has had an ancestor in any of the early wars is allowed to register without any educational test. The Negro has been pushed back at every turn, to disqualify him in some degree, whereas the white man has been allowed to go along without restrictions.

The result of this has been that the incentive was made greatest with the Negro to qualify himself, to overcome his handicaps. And he has made sacrifices to teach himself and his children that white men as a rule have not made. With the consequence that these very handicaps have urged the Negro on and made him achieve and qualify himself that would not have been the case without the handicaps. Thus the very agency that was designed to hold the Negro back has pushed him forward, and the one intended to push the white man forward has held him back.

It has long been our opinion that Negroes who have qualified as good citizens, have obeyed the laws and tried to do the things civilization and the white man required of them, should have recognition in connection with and by the government in other ways than mere praise. There was a time when it was proper to keep them out of government but there are a great many of them who have become leaders and who devote themselves to constructive efforts that are a credit to their people. If they are to render the service in leadership that is expected of them, they must be given something substantial as a reward to any of the early wars is allowed to register which they can point as basis for efforts and without any educational test. The Negro has following on the part of those they lead.

The Virginia and Texas cases indicate what is in store for the whole country, and our section can handle the problem better by going forward to meet it, rather than sitting still and having it come and sit down beside us. The Negro has not been attending the white man's school three hundred years for nothing. What he has learned the white man can capitalize and turn into mutual profit, if it is handled in time and as it should be.

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Courageous Young Lawyers

Attorney Charles H. Houston and his associates who are defending Crawford now on trial in Loudon County, Va., for the murder of a wealthy matron, are displaying a courage which commands the attention and respect of this community. In facing conditions of hostility, and in the atmosphere of hatred and bitterness, even unto the sound of threats of bodily harm, Houston and his associates are pounding away at the door of justice, outwitting in intelligence, superior in manly demeanor, those who seemingly would not only railroad Crawford into the great beyond, but also ignore the mandate of the highest court of our land.

So often we have heard those of our group give expression to the neccessity of lawyers of the other group to insure a defense and a courageous fight. It has remained for these *young* men to blast this falacy and to prove that this present generation of well trained, well meaning, and well demeanored lawyers can and will stand up and fight for justice and right.

We commend them for their courage. We commend them for the display of their legal ability. And we commend them above all, for their sacrifice of taking this case without hope of any compensation. Their's is a principle to fight for—and if we can read the hand writing on the wall—their's is a victory to be won.

Killings-1933

Virginia

MILWAUKEE, WIS.
LEADER

APR 28 1933

Why Not Repeal the Law?

Federal Judge James A. Lowell of Boston denied the extradition of a colored man, charged with murder by the state of Virginia on the ground that Virginia does not permit Negroes to serve on juries and therefore, if the man were convicted, his conviction would be reversed by the supreme court of the United States.

Of course we do not know whether the man is guilty or not. Neither do we know whether the judge's decision will stand a legal test or not. But it stands the test of justice and common sense rather well. Is it not perfectly clear that a Negro cannot get justice in a state where Negroes are denied the right to serve on juries?

Regardless of its ability to stand the test of law, the judge's decision calls attention to a crying evil, an outrageous discrimination against Negroes by some of the southern states.

A Virginia congressman has started impeachment proceedings against the judge.

Would it not be more in order to start proceedings to repeal the Virginia discrimination against Negroes and provide that they should have the right to serve on juries equally with other citizens?

The same discrimination, in Alabama, made it certain that the Scottsboro defendants could not have a fair trial. There were plenty of other reasons why they could not have a fair trial, but, if the other reasons had not existed, it would have been impossible, for that reason alone, to have a fair trial.

Judges seldom say anything worth listening to. They usually are conservative and very formal, sticking within the technicalities of the law very carefully. Judge Lowell provides a welcome change by saying something human, and straightway he is assailed by Democrats.

Discrimination against human beings merely because of the color of their skin happens continually, but it is a disgrace to a supposedly civilized country. When it takes the form of denial of jury service, it makes justice impossible. It is exactly as indefensible as was the former discrimination against women merely because they were women.

BOSTON, MASS. TRAVELLER
APRIL 29, 1933

"The Writ Is Allowed"

WITH the South all stirred up over Judge Lowell's refusal to send a Negro charged with murder back to Virginia, with impeachment proceedings under way in Congress, what a shock it is going to be to the outraged southland when the papers in the case reach Washington.

They contain exactly four words of decision:

"The writ is allowed."

Which means that the habeas corpus plea of the Negro's counsel was granted.

Nor is this a damyankee trick. Judge Lowell is above any such business. The simple fact is that no stenographer was present in the room when the judge made his comment which so astounds the South.

Whatever the legal merit of the judge's decision—and his findings have been generally upheld—the incident transcends the particular case. The eyes of the world are focused upon the South's barefaced scorn of the 14th amendment. The South long hectored the North for not regarding the 18th amendment as holy.

We wonder, if the supreme court should uphold Judge Lowell, will Dixie ask for impeachment of that body.

FALL RIVER, MASS.
HERALD-NEWS

APR 26 1933

MAY OPEN BIG QUESTION.

In granting a writ of habeas corpus, which served temporarily at least to block the return of a Negro to the jurisdiction of Virginia under extradition approved by Governor Ely, Judge James A. Lowell has taken a position that may lead into paths far beyond that involving the trial of George Crawford under an indictment for murder.

The judge has taken the position that this man cannot be legally tried under the provisions of the federal constitution because Negroes are not permitted to serve on juries in Virginia, and the Supreme Court of the United States would throw the case out.

It is no secret that Negroes have been virtually disfranchised through one device or another in several southern states. This question, too, along with state rights, might be raised if the ruling on this Crawford case goes to the highest court.

Judge Lowell at least has shown high courage. Whether his position is sound in law is for the courts above him to decide.

Brooklyn, N. Y. Eagle

APR 28 1933

Dixie vs. Judge Lowell.

A Democratic Governor of Massachusetts granted a requisition from the Democratic Governor of Virginia for the extradition of a Negro accused of and indicted for murder. A Republican Federal judge, James A. Lowell, sitting in Boston granted a writ of habeas corpus and then freed the Negro flatly on the ground that the man could not be tried in Virginia by a jury of his peers, since Virginia doesn't permit Negroes to serve as jurors. That a member of the Lowell family must always be right is a Boston notion. A lawyer's comment might be that this judge clearly rushed in where Supreme Court justices feared to tread.

Now the Dixie men in Congress are up in arms. A Texas member puts in a bill to "abolish" the office of Lowell. A Virginia Representative offers a resolution which he will push to impeach the judge before the Senate as a court. Rhetorical razors are flying through the air. But the reported fear of some Negro leaders that a "new fugitive slave law" may be enacted is whimsical save that it recalls a period when righteous anarchy ran rampant in Washington and elsewhere and a Represenative of Lincoln's State exclaimed fiercely on the floor of the House:

> Let it ring through the high arches of heaven and reverberate through the deep gorges of hell, where slave catchers will be very likely to hear it, that Owen Lovejoy lives at Princeton, Illinois, and he helps every fugitive slave who comes to his door and asks it. Thou invisible demon of slavery, dost thou think to enter my humble dwelling and forbid me to give bread to the hungry and shelter to the houseless? I bid thee defiance in the name of God.

No; there will be no "new fugitive slave law" and no "underground railroad" to Canada for Negroes accused of murder in some Southern States where colored men on juries are unknown. Impeachment is doubtful. True, the Democrats who include practically the whole representation from the indignant South, have an overwhelming majority in both Senate and House. But a lot of their Northern members owed their victory in large part to the marginal Negro vote in States where that vote is cast and counted.

Yet we cannot help thinking that something like the anarchy of Owen Lovejoy animates the spirit of Judge Lowell of Boston. Whether such anarchy, based on high principles of justice and human brotherhood, is to be justified or condemned is a question that may be left to casuists. There will be no surprise in any quarter if higher courts overrule the Lowell decision on a point which the court of last resort manifestly avoided in the Scottsboro decision and opinion.

NEW YORK TIMES

APR 28 1933

JUDGE LOWELL.

At the request of Governor POLLARD of Virginia, Governor ELY of Massachusetts issued an order for the extradition of a Negro charged with a double murder. Federal District Judge LOWELL of Boston granted a writ of habeas corpus. He admitted that the defendant "would get a fair trial in Virginia." By custom, not by law, Negroes do not serve on juries in that State. Judge LOWELL cited NEAL v. State of Delaware, decided by the Supreme Court in 1881. The defendant was a Negro indicted for rape. The vital point of the decision was that exclusion of Negroes from the grand and petty juries, if made by the jury commissioners without authority derived from the Constitution and laws of the State, was a violation of the prisoner's rights under the Constitution and laws of the United States, which the trial court was bound to redress; and the remedy for any failure in that respect is ultimately in this court upon writ of error to the State court.

Judge LOWELL was not assailing 'the fair name of Virginia." He was holding, in effect, that it would be a waste of time to try in a State court a case sure to be appealed in the Supreme Court. Instead of intervening on the strength of a fifty-year-old decision, it would have been wiser to let the fugitive from justice go back, stand his fair trial and exhaust his remedy. But a possible error in judgment doesn't deserve the hard and hot words that flew about in the House on Wednesday, when the Judiciary Committee was directed to investigate Judge LOWELL'S conduct in the matter. The sudden devotion of the majority to a Constitution which they have been kicking in the head so industriously may be thought to indicate not a late repentance but the desire to find a scapegoat.

JAMESTOWN, N. Y
EVE. JOURNAL

APR 27 1933

A SOUTHERN JURY PROBLEM

The intolerant and revengefu spirit of an element in the south is well illustrated by a news dispatch from Washington which quotes Representative Smith of Virginia as saying that if he can find a way he will institute impeachment proceedings against Federal Judge James A. Lowell of Boston who freed a Negro wanted at Middleburg, Va., on a charge of murder on the ground that Negroes do not serve on juries in Virginia and that any conviction obtained against this Negro there would be reversed by the United States Supreme court.

Judge Lowell based this declaration on a decision of the Supreme court in 1881 in which one Neal appealed from conviction of rape in the state of Delaware on the ground that Negroes were not allowed on the jury, and the court reversed the conviction and directed the Delaware courts to set aside the verdict.

Quoting this decision Judge Lowell said:

"Why send this Negro back to Virginia when I know and every one knows the Supreme court will say the trial is illegal?"

This seems like ample justification for the decision, altho it is possible that the same conditions do not exist in Virginia as existed in Delaware at the time the Neal case was considered. It is conceded there is no prohibitory statute in Virginia against Negroes serving on juries. It just happens they are never drawn, and probably investigation would show that their names are kept out of the jury box from which the drawings are made.

But while there are grounds for argument on this question of whether keeping Negroes off from Virginia jury panels will be sustained by the Supreme court, it seems absurd to base an impeachment proceeding upon Judge Lowell's opinion. Even if it transpires that the Supreme court does not agree with him, it will be merely another instance in which one judge's opinion of the law differs from another. To impeach a judge because he did not guess right would render every judge in the country from the lowest court to the court of last resort liable to impeachment.

Judge Lowell in his decision did not criticize the fairness of Virginia juries but on the contrary expressed the opinion that the defendant could get a fair trial. The only reason why he freed the Negro was that he was convinced that it would serve no useful purpose to send him back to a trial which would be futile because according to the case cited the conviction would be reversed by the highest court in the land.

We may assume that Representative Smith's announcement that he will try to impeach the judge was for home consumption and that nothing further will be done about it. Certainly the United States Senate with the many difficult problems before it will not waste time in such a proceeding.

This incident, however, serves to emphasize most forcefully the question of whether it is necessary to have Negroes on southern juries that try Negroes for infamous crimes. The attorneys for Heywood Patterson who was convicted at Decatur, Ala., for assaulting a white girl announce they are going to the United States Supreme court upon that precise point. Of course no Negroes were on the Decatur jury that convicted Patterson.

RECORD-COMM TIMES

APRIL 26, 1933

Judge Lowell's Order.

Federal Judge James A. Lowell, of Boston, has brought himself into notoriety by his course in freeing through habeas corpus writ George Crawford, negro, wanted in Virginia for murder. The judge granted Crawford his freedom upon the ground that negroes do not serve on juries in Virginia and that the supreme court of the United States would reverse any verdict which might be registered against Crawford, should he be extradited and tried.

This judge has made a novel decision which will be regarded with indignation throughout the southern states and which may meet with no little disapproval in the north.

Precisely what right Massachusetts has to sit in arbitrary judgment over the courts and the administration of justice in another state may be questioned. What applies to the artificial person, Massachusetts, applies to a federal judge sitting in Massachusetts.

Not long ago a New Jersey governor refused to extradite a Georgian refugee, claiming that the Georgia prisons were cruel and inhumanely conducted.

If extradition is to become a matter of the personal judgment of officials regarding the laws of another state, the process would cease to have any constitutional protection.

The recent Alabama case of Scottsboro has, according to some in the north, disclosed what can happen when Negroes are tried by all-white juries. We think that the north will do best to give the south the same liberties which are claimed here in the matter of dealing with persons accused of crime. It is of dubious discretion to revive the spirit of John Brown of Osawatomie in the attitude toward extraditions requested from the southern states.

LOWELL, MASS
EVE. LEADER

APR 26 1933

It will be interesting to see the reaction of the South to Judge James A. Lowell's release from custody of a Negro who is wanted in Virginia for a double murder. The judge contends that under the Constitution of the United States the hearings of such cases in Virginia are illegal where Negroes are not called for jury service. Virginia, it is true, does not differentiate in theory between Negroes and white men on juries. But as a matter of actual practice Negroes are not drawn. It has been the experience of Judge Lowell that where a Negro is returned to a state to stand trial and conviction follows the case is usually subsequently thrown out by the U. S. Supreme court. Why, then, send a case to trial that may drag along for two years only to be turned down by the Supreme court in the end? Judge Lowell's opinion is that such a course benefits nobody but the lawyers. It is a farce which does not appeal to his Yankee common sense. The question, one imagines, is one of jurisdiction. Apparently Judge Lowell is willing to take his chances on that.

Killings- 1933

Virginia
6

NEW YORK CITY TIMES
APRIL 30, 1933

SOUTH MAY CHANGE ITS JURY PROCEDURE

Sentiment Noted in Favor of Occasional Calling of Negro Talesmen.

PENAL REFORMS SOUGHT

Burns, Scottsboro and Crawford Cases Focus Attention on Both Systems.

By VIRGINIUS DABNEY.

Editorial Correspondence, THE NEW YORK TIMES

RICHMOND, April 27.—Action of United States District Judge James A. Lowell of Boston in thwarting the efforts of Virginia and Massachusetts to bring to trial a Negro suspected of a double murder in the Old Dominion, has served to focus public attention once more on the fact that Negroes are seldom called for jury service below the Potomac. It was on the ground that the Negro sought for trial in Virginia would be tried by a jury of whites, and that his trial would therefore be pronounced illegal by the Supreme Court, that Judge Lowell declined to permit his extradition.

Remembering the recent attack on the Southern jury system by defense counsel in the Scottsboro case, and the somewhat less recent action of Governor Moore of New Jersey in refusing to extradite Robert E. Burns to Georgia, because of the allegedly inhuman treatment he would receive on a chain gang there, the South is doing some soul-searching.

Loose Talk Deplored.

Those who view the action of Judge Lowell objectively deplore the abuse which he has received from certain Southern sources. They point out that whereas the Boston jurist apparently went outside his proper province when he attempted to forecast the action of the Virginia authorities and the attitude of the Supreme Court he stated specifically that he had no "doubt the defendant would get a fair trial in Virginia."

Although believing strongly that the district judge erred in refusing to send the Negro George Crawford back to Virginia, they deplore the public expression by a Richmond lawyer of the opinion that among Judge Lowell's ancestors "were plenty of Southern carpetbaggers"; nor do they feel that anything is to be gained through such unrestrained denunciations as that indulged in by Representative Dies of Texas, who stated that the judge displayed "a venom and prejudice unparalleled in the judicial history of this or any other country." These statements from Southerners were matched by Representative Luce of Massachusetts, who said on the House floor that "to send a Negro back to Virginia for trial would be like sending a Jew to Germany."

Negroes Rarely Called.

It is true that Negroes are not often called for jury service in Virginia, except in the Federal courts, but it cannot be assumed that when a Negro is tried in Virginia the jury is certain to be entirely white.

However, the Crawford episode has brought many Virginians and other Southerners to a realization that something probably will have to be done about the Southern jury system. The opinion seems to prevail that the Supreme Court would reverse the latest Scottsboro conviction on the ground that there were no Negroes on the jury, and now the action of Judge Lowell has tended to confirm that view.

The attitude of many thoughtful Southerners toward the situation which has been precipitated by the Scottsboro and Crawford cases is that it would be wise for Southern courts to begin calling Negro jurors from time to time. Some fifteen or twenty years ago this was done in the Richmond Hustings Court, for example, and with satisfactory results. The Richmond News Leader has the following to say of the existing situation:

"Failure to call Negroes for jury service in the South will produce more and more complications as time goes on. The second trial of the Scottsboro case probably has marked an epoch in this respect. Increasingly it will be contended that white juries are prejudiced against Negro prisoners in cases involving alleged crimes against white women. This, in turn, may increase the difficulties of extraditing Negroes who escape into Northern States. To avoid this, the fair and prudent course, in our opinion, is to remove the cause of complaint by using Negro jurors on occasion."

As for the final adjudication of Judge Lowell's action, there is apparent confidence in legal and judicial circles here that the United States Circuit Court of Appeals, to which the decision has been appealed, will bring in a reversal.

Possible Changes Seen.

The more level-headed observers are deploring the abuse that has been indulged in by both sides. There was similar recrimination in connection with the Burns case last December, when the Governor of New Jersey refused to honor extradition papers of the Georgia authorities. Here is another decision which may set a precedent, for any Northern Governor who is convinced that a Southern State is without an up-to-date penal system may feel at liberty hereafter to decline to send a fugitive South to prison.

In the case of Georgia, the iniquities of the prison system were exaggerated, but William B. Cox, secretary of the National Society of Penal Information, testified at the hearing that "there is no State in the Union where the penal system is as bad as it is in Georgia."

One surmises that Mr. Cox knows whereof he speaks when one considers that so loyal a Southerner as George Gordon Battle joined with Clarence Darrow in petitioning Governor Moore not to extradite Burns.

Thus the past five months have seen the Southern penal systems brought sharply into the spotlight along with the Southern jury systems. It may be that we are about to witness substantial changes in both of them as a result of the recent episodes.

SPRINGFIELD, MASS.
REPUBLICAN

MAY 1 1933

Negro Jurors and Citizenship

While Judge Lowell's grant of a writ of habeas corpus for a Negro held in this state for extradition to Virginia has aroused heated comment in the South, it will be noted with satisfaction that the point which he made regarding the exclusion of Negroes from jury service is being seriously considered in influential quarters in that region. The question, first brought to public attention recently by counsel for the accused Negro in his second trial at Decatur, Ala., is recognized as having a practical bearing on interstate cooperation, upon which the apprehension and conviction of criminals so often depends. Although Judge Lowell's action was taken in a federal court, it can hardly be without influence upon the policy of state officials under similar circumstances.

Mark Twain once wrote to the effect that after the missionaries had gone to Hawaii, heathenism there ceased to exist except in fact. Under the 14th amendment to the federal constitution, exclusion of Negroes from jury service by law has given way to their exclusion in fact. The Decatur trial disclosed a policy that amounted to exclusion of Negroes not professedly because they were Negroes but because, being Negroes, they were not possessed of the necessary qualifications. Whether this is a distinction with or without a difference, the supreme court of the United States presumably will soon be asked to decide.

In Virginia, it appears that, as a correspondent of the New York Times puts it, "it cannot be assumed that when a Negro is tried in Virginia the jury is certain to be entirely white," though Negroes are "not often called, except in the federal courts." Many thoughtful southerners, according to this correspondent, believe that it would be wise for southern courts to begin calling Negro jurors from time to time, and he notes that "some 15 or 20 years ago this was done in the Richmond Hustings court, for example, and with satisfactory results." Fifteen or 20 years is long enough to give a good start to a precedent amounting practically to "unwritten law."

The direct effect which the admission of Negroes to juries would have upon the justice of verdicts might not be great. Especially in cases where the race issue was in no way involved, it is quite conceivable that an all-white jury would sometimes do better than a mixed jury would; but the indirect effect of the recognition to this extent of racial equality before the law could hardly fail to be important in developing the Negro's civic consciousness and encouraging him to prepare for the useful exercise of the citizenship which his American birth has conferred upon him.

JAMESTOWN, N. Y.
MORNING POST

APR 27 1933

JUDGE LOWELL'S RULING.

Judge James A. Lowell of the Federal District Court in Massachusetts has greatly angered Virginians by his action in granting a writ of habeas corpus freeing George Crawford, a negro, sought by Virginia on the charge of slaying two women. What evidence there is that the man committed the crime with which he is charged is not indicated, but Governor Ely honored the requisition for the accused's extradition. Then, the case was taken before Judge Lowell who liberated the negro on the ground that if he were convicted the Supreme Court of the United States would declare a mistrial for the reason that Virginia does not call negroes for jury service.

Impeachment proceedings against Judge Lowell are threatened by some irate Virginians. The State of Massachusetts has appealed the case to the Supreme Court. That tribunal will determine whether lower court's holding is valid. Judge Lowell bases his decision on the Supreme Court ruling in a Delaware case of some years ago. He took the view that while the Virginia statutes do not discriminate against negroes serving on juries no member of the race is ever called for the service. The Supreme Court appears to have held that the fact that negroes were not permitted to be drawn as jurors constituted a ground for a mistrial in Delaware.

A rather practical view of the matter seems to have entered into the decision. Judge Lowell construes it as his duty to prevent procedings that in the end must prove futile in the administration of justice. He reasons that the trial, if the negro were taken back to Virginia and convicted, would be held illegal by the Supreme Court unless members of the race were asks in regard to the freeing of the negro man. Stopping the case now would save time and trouble. The case raises some peculiar questions. If Judge Lowell's view is valid, it would seem impossible "If eventually, why not now?" he eligible and were accustomed to be called as jurors.

N. Y. SUN

APR 27 1933

To Speed Lowell Ruling Appeal

Circuit Court Advances Its Sitting to Decide Case of Negro Crawford.

BOSTON, April 27 (A. P.).—The United States Circuit Court of Appeals will sit in special session on May 23 to hear the protest of the Commonwealth of Massachusetts against the decision of Judge James A. Lowell in the case of George Crawford, Negro, accused of murder, the court announced today.

Massachusetts has protested Judge Lowell's action in granting a writ of habeas corpus to Crawford on the grounds that if he were convicted in Middleburg, Va., where he is wanted for the alleged killing of two white women, the United States Supreme Court would rule a mistrial because Negroes do not serve on juries in Virginia.

The move for the special sitting of the Circuit Court was made by J. Weston Allen, chief of counsel for Crawford, and with the approval of Stephen D. Bacigalupo, assistant Attorney-General who is in charge of the State's extradition proceedings.

William G. Thompson, a widely known criminal lawyer, came to the aid today of Judge Lowell, whose action in granting a writ of habeas corpus to the Virginia Negro aroused protests in the South.

Calls Attack an Outrage.

Mr. Thompson, at one time chief counsel for the defense in the celebrated Sacco-Vanzetti case, appeared at the Federal Building and asked and obtained all the records in the case of the Negro, George Crawford.

"Judge Lowell has been outrageously and wrongfully attacked in Congress," said Mr. Thompson, referring to the impeachment of the Massachusetts jurist by Representative Smith of Virginia. "I am getting all the facts in the Crawford case and I am going to study them, and, if the Judge is right, I am going to present the evidence to the Council of the Bar Association."

Mr. Thompson made it plain he was acting without having consulted Judge Lowell and entirely on his own volition.

The Judge continued to withhold comment on the case. Crawford was arrested here last year on a charge of having slain the two women at Middleburg, Va., last summer. Gov. Joseph B. Ely granted the demand of Virginia for the accused man's return, but the latter's counsel then sued for a writ in the Federal Court.

In the meantime Crawford has been remanded to jail in default of $25,000 bail.

WILSON, N. C.
TIMES

APR 28 1933

HIS TALK OFFENSIVE.

George Crawford, negro, was arrested in Massachusetts on an indictment for the murder of two white women in Loudon county, Va. The governor of Massachusetts granted the requisition issued by the Virginia governor for the return of Crawford to Virginia for trial. Counsel for Crawford secured a writ of habeas corpus from Federal Judge James A. Lowell, in Boston. The validity of Crawford's indictment was challenged on the ground that negroes are not called on juries in Virginia, contrary to the express wording of the 14th amendment to the constitution of the United States. Judge Lowell agreed with the contention, declaring that if Crawford was returned to Virginia and convicted the conviction would eventually be nullified by the Supreme court of the United States. In rendering his decision his honor said:

"This whole thing is absolutely wrong. It goes against my Yankee common sense to have a case go on trial for two or three years and then have the whole thing thrown out by the Supreme court.

"Why should I send a negro back from Boston to Virginia when I know, and everybody knows, that the Supreme court will say that the trial is illegal. The only persons who would get any good out of it would be the lawyers.

"I'd rather be wrong on my law than give my sanction to legal nonsense."

Assistant Attorney General Stephen D. Bacigalupo, who, as the representative of Governor Ely, appeared to oppose the allowing of the writ, asked:

"Are we going to say that the state of Virginia does not uphold the laws of the United States?"

"They have not done so," retorted Judge Lowell, "when it comes to a question of putting negroes on juries down there. The whole thing to me is a piece of stage play. The writ of habeas corpus is allowed."

Notice of appeal to the circuit court of appeals was given and the defendant remains in jail. The purpose is not to contest in the circuit court of appeals but to secure the certification of the appeal to the Supreme court that a definite decision may be obtained.

Meantime indignant Virginians are moving for the impeachement of Judge Lowell. We have no patience with these judges who undertake to decide at long range what a court or jury will do and act on their own motion. North Carolina judge, refusing to send an accused person to South Carolina under circumstances similar, decided that a jury would not convict on the evidence. Judge Lowell's comments revealed his pronounced prejudice because of the failure of southern states to call negroes for jury service. That may be a violation of the constitution. We are inclined to believe it is. But we are also emphatically of the opinion that the decision was not for Judge Lowell under the circumstances. He should have returned the prisoner to Virginia. If there was conviction the case could be carried up on the fact brought out at the hearing not on Lowell's opinion of what they would be and what the higher court would hold. His "Yankee common sense" was not so much in evidence as his prejudice.

But with that it is questioned that Lowell's decision furnishes ground for impeachement. It is his remarks that caused the indignation. He might have made the same decision without arousing feeling if he had refrained from comment of the character in which he indulged. His type lacks judicial qualification but the notion is that it would require something more than that to furnish sound basis for impeachment.—Clar[illegible]

[illegible] Greensboro, N. C. News
April 29 1933

A SECTIONAL PROBLEM.

In the midst of the argument precipitated by Judge James A. Lowell's refusal to sanction the extradition of George Crawford, negro, from Massachusetts to Virginia to stand trial on a murder indictment, there is place for realization that effects of a miscarriage of justice transcend state lines and, particularly where the south is concerned, become disproportionately sectional.

There is no sympathy with the bumptious attitude shown by the Massachusetts jurist, as the Daily News has repeatedly expressed the belief that refusal to yield fugitives to states from which they have fled is in direct conflict with constitutional mandate, an invitation to law violation and further disrespect for justice. The proper procedure, it is again submitted, should be yielding up the defendant for trial in the state where his alleged offense occurred. Then, if he is convicted in a fashion which counsel interprets as infringing upon his fundamental rights, recourse to the federal courts is in order.

But, aside from that phase of the Crawford case, it is a logical assumption that Judge Lowell's ruling was prompted largely by the Scottsboro trial, abnormal in practically all of its aspects, and the widespread publicity which has been given in that connection to the involvement of the 14th amendment in selection of southern juries. Judge Lowell makes the mistake of judging southern justice, for which incidentally the Daily News is holding no brief, by the Scottsboro exhibit. Similarly, only a few months ago the successful efforts of "I am a Fugitive" Burns in resisting extradition from New Jersey to Georgia were made the basis for widespread assaults upon the southern chain-gang system. Admittedly, southern prisoners lie on no flowery beds of ease, but if conditions in Georgia were as painted that is no reason why the press and the citizenry of other sections should heap contumely upon the south as a whole.

Since that seems to be the way, however, the maintenance of even-handed and level-headed justice, removal of rotten spots which exist here and there, is essentially a sectional problem. When the Scottsboro exhibit, the Georgia chaingang episode, and similar are utilized for attack upon the entire south and its standards, there is all the more reason for an arousal of southern opinion that these local infections, endangering the entire body, may not be.

PORTLAND, ORE.
OREGONIAN

APR 26 1933

COURTS NORTH AND SOUTH.

A Massachusetts judge frees a negro whose extradition to Virginia had been demanded on a murder charge. There is talk of impeachment proceedings against the judge. Thus recurring manifestation of feeling between north and south regarding criminal procedure against negroes below the Mason and Dixon line.

There is too much in that procedure that smacks of demand for "nigger meat" rather than pursuit of even-handed justice, for most northerners to countenance. The barring of colored people from southern juries, the special severity of negro prosecutions and sentences, the frequent public utterances and court rulings of southern judges against negroes, all violate the normal and unprejudiced sense of fair play. And if it be said that what the courts in southern states do is the business only of the people of those states, the obvious answer is that a question is involved of human rights from which humanity in general can hardly be expected to stand aside.

It is not a new thing, nor one confined to extradition proceedings from north to south, for officials to arrogate to themselves a considerable degree of discretion and latitude in deciding on extraditions. Governors often do it. Sometimes there is protest from a state whose demand for a prisoner has been rejected, but there is seldom outright contest against such decisions. What the Massachusetts judge has done, many a governor has done. The stir about it is because the ground for it—inability of negroes to get fair trials in the south—touches once more a point of chronic southern irritation.

Killings-1933

Virginia

How Members of the House Voted in Resolution to Impeach Judge Lowell

Voting Yeas—They are Not Your Friends
Remember Them in the Next Election

Abernathy, N.C.	Doughton, N.C.	Kennedy, Md.	Smith, Va.
Bland, Va.	Drewry, Va.	Kerr, N.C.	Smith, W.Va.
Bulwinkle, N.C.	Goldsborough, Md.	Lambert, N.C.	Weaver, N.C.
Burch, Va.	Griffin, N.Y.	O'Connor, N.Y.	Woodrum, Va
Clarke, N.C.	Haines, Pa.	Palmisano, Md.	
Cole, Md.	Hancock, N.C.	Pou, N.C.	
Culkin, N.Y.	Johnson, W.Va.	Sanders, N.Y.	

Voting Nays—They Voted Right
Remember That in the Next Election

Auf der Heide, N.J.	Celler, N.Y.	Fitzpatrick, N.Y.	Snell, N.Y.
Bacharach, N.J.	Chase, Pa.	Gavagan, N.Y.	Somers, N.Y.
Bacon, N.Y.	Clarke, N.Y.	Kelly, Pa.	Stalker, N.Y.
Black, N.Y.	Cochran, Pa.	Kinzer, Pa.	Stokes, Pa.
Bloom, N.Y.	Connolly, Pa.	Lehlbach, N.J.	Strong, Pa.
Boland, Pa.	Crowther, N.Y.	Mead, N.Y.	Sutphin, N.J.
Boylan, N.Y.	Cullen, N.Y.	Millard, N.Y.	Swick, Pa.
Brumm, Pa.	Darrow, Pa.	Parker, N.Y.	Taber, N.Y.
Brunner, N.Y.	DePriest, Ill.	Rich, Pa.	Whitley, N.Y.
Carley, N.Y.	Doutrich, Pa.	Segar, N.J.	Wolfender, Pa.
Cavicchia, N.J.	Fish, N.Y.	Sirovich, N.Y.	Wolverton, N.J.

Answered Present—They Didn't Vote When You Needed Help

Andrews, N.Y.	Douglass, N.C.	Hancock, N.Y.	Kurtz, Pa.

Not Voting—Friends or Enemies. They Were Asleep at Their Posts

Beck, Pa.	Hornor, W.Va.	Oliver, N.Y.	Sullivan, N.Y.C
Dickstein, N.Y.	Kennedy, N.Y.	Perkins, N.J.	Warren, N.C.
Gambrill, Md.	Lewis, Md.	Prall, N.Y.	Watson, Pa.
Hartley, N.J.	Montague, Va.	Reed, N.Y.	

NEW YORK CITY POST
MAY 1, 1933

THIS ASSERTION IS MATCHED AGAINST OURS

To the Editor of the Evening Post:

Sir—We have read with amazement the editorial in the EVENING POST of April 26 in which you contend that Judge James A. Lowell's refusal to send George Crawford back to Virginia would mean, should the Supreme Court affirm Judge Lowell's decision, "a premium on murder" and "will automatically destroy the existing system of courts and justice in the Negro States."

Neither of these statements is true, nor is your further contention sound that such action will permit murders like the Ilsley case to go unpunished, stir up lynching or necessitate a second Civil War.

Affirmation by the Supreme Court of Judge Lowell's decision will simply mean that Virginia and other Southern States which have flagrantly violated the Federal Constitution by denying to Negro citizens rights guaranteed them under the Constitution will have to begin complying with the Federal Constitution. Intelligent and decent Southerners as well as Northerners will welcome this; Negrophobes will not, but instead will resort to the mob spirit as was seen in the action of the House of Representatives yesterday in usurping the functions of the United States Supreme Court by voting to inquire into the validity of Judge Lowell's decision prior to the Supreme Court's doing so. The real attackers of the Constitution and the laws, Federal and State, are those who are foaming at the mouth now because an effort is being made to end violation of the Constitution and laws which has gone on for many years.

WALTER WHITE,
Secretary, National Association for the Advancement of Colored People.
New York, April 27, 1933.

69 North King St. Messr.

Echoes of the Fugitive Slave

The unearthly howl you heard last week was the State of Virginia singing the blues because Federal Judge James A. Lowell, white, of Massachusetts, declined to extradite a prisoner whom Virginia wanted for murder.

The prisoner, one George Crawford, had once before been threatened with a Virginia mob "burning," and robbed of the pleasure of either a legal or illegal lynching. Virginians in Congress called for the impeachment of Judge Lowell on the ground that his refusal of the extradition violated his oath of office.

The strange part of the matter, which Virginians overlook, is that Judge Lowell based his refusal to extradite on the ground that Virginia violated the Constitution by indicting Crawford with a grand jury which barred Negroes.

In our opinion, Virginia will get nowhere with its impeachment charges. As far back as 1660, colored fugitives have been running away from Virginia to escape exploitation or oppression and usually they have found an asylum as safe in New England as in Canada.

One celebrated case, especially, Virginia ought to remember. It is told in the current issue of the Journal of Negro History.

In 1796, two slaves belonging to President George Washington, escaped and after a long time were discovered in Portsmouth, New Hampshire.

Replying to President Washington's request to arrest the men and send them back, M. Whipple, Portsmouth collector, wrote: "Any return will be impossible. Public sentiment is too strong against it."

Equally as famous is the opinion of the Vermont State Supreme Court in 1807 in the case of a person claimed by New York as a fugitive slave.

Judge Harrington, delivering the opinion, said:

"The evidence of title was good, as far as it went, but the chain did not go far enough. *If the master could show a bill of sale, or grant, from the Almighty, then his title to him would be complete; otherwise, it would not. And as he had not shown such evidence, the court refused refused to surrender him, and discharged him.*"

Interpretation of Federal laws differed then as it differs now. Said Judge Lowell: "I keep on good terms with Chief Justice Rugg of the Massachusetts Supreme Court, but I don't have to keep on good terms with the Chief Justice of Virginia."

All of which means that New England is about its old business of refusing to extradite fugitive "slaves" to Virginia.

Jim Crow Justice, Not George Crawford, Is the Issue

Let no one mistake the issue in the controversy which is raging about the decision of Judge James A. Lowell in the Crawford case. George Crawford is only the instrument which has thrown the spotlight on the administration of justice in Virginia as it relates to Negroes.

The surprising feature of the whole affair is the indignation which has been expressed by persons who are primarily responsible for the decision because they are the high priests of Jim-Crow justice in this State. If not, why have they organized the courts in such a manner as to preclude the calling of Negroes for jury service, and how do they account for the reversal of the usual presumption, that all persons accused of crime are presumed to be innocent until proved guilty, in cases where Negroes are charged with crimes against white persons?

Even in civil matters—for instance, automobile accidents—what chance do Negroes have in the courts when their interests conflict with that of white persons, unless the Negroes have white witnesses to sustain their contentions. In this connection ascertain from casualty companies why they hesitate to take risks on automobiles owned by Negroes in this State.

While expressly maintaining that the operation of Jim Crow justice is not as notorious and flagrant in Virginia as it is in some of the States further south, it is none the less a fact that it can be found, without difficulty, functioning in many of the courts of this State most every day in the year, and it is idle to argue otherwise.

This statement is made unequivocally, notwithstanding the assertion of Thomas Lomax Hunter to the effect that he has been practicing law in this State for twenty-five years and has never seen any injustice done to a Negro in a Virginia court. Most likely Mr. Hunter has fallen into the same error which is common to all white people in the South, even those of liberal thought and tendencies. They fail to recognize the fact that Negroes are full-fledged American citizens and that any law, custom or system which proscribes them and hampers them from enjoying every right and privilege enjoyed by other Americans constitutes an injustice. Through a process of thought which takes as its premises the idea that the Negro as a race requires a

special place and special treatment in the American scheme of things, what is considered justice for a Negro would by the same white people be considered a rank injustice were the person involved white. Under the Jim Crow system, justice with white people is a relative term.

It is a waste of words to argue further. The Lowell decision is the result of the administration of the Jim Crow justice in Virginia, and regardless of whether the portion is palatable or not, Virginia brewed it and she might as well hold her nose and swallow it.

QUICK-TRIGGER COPS

ON Friday of last week a Norfolk policeman was freed of a charge of technical homicide following a hearing in Police Court in connection with the death of a Negro who had previously been described as "an escaping felon." In exonerating the officer, Judge Spindle simply acted in line with a verdict handed down by the city coroner last Tuesday in which he held that the man was killed by the officer "in line of duty."

These statements themselves are not particularly significant as they stand alone. But when they are weighed against the evidence as presented at the inquest and at the Police Court hearing, they take on an added significance. The evidence at both hearings was to the effect that several policemen proceeded to the Foote Brothers warehouse on Water Street on information furnished by a police informer that a robbery was about to be staged.

The accused officer was included in the party. Secreting themselves in the building, the officers claimed to have heard a noise which was later declared to have been made by the sliding of a heavy door such as was used on the warehouse. Patrolman G. A. Bailey, the officer in question, was sent to summon more officers by telephone. According to the officers who remained inside the building, they heard several shouts to halt, followed by a pistol shot soon after Patrolman Bailey left. Hurrying outside they were met by the officer who told them that he had seen a man walking down the alley and that he had called to him to halt "three or four times" but instead of halting, the man had started to run and that he had fired at him.

Officer Bailey said at the time he did not know the shot had struck the man. When the supposed robber was finally found by officers who had traced him by a trail of blood for several blocks, he was dead, and it was found that his lung had been punctured by the bullet.

The testimony also revealed that the investigating officers had picked up another suspect in an abandoned brewery near the Foote Brothers warehouse and had questioned him for several hours at police headquarters. The man had finally been released when he could not be conclusively connected up with the alleged robbery attempt.

On the strength of this testimony Officer Bailey was exonerated and so far as the law is concerned, John Harris, the victim of his gun, lost his life because the officer shot him "in line of duty." Yet no evidence was introduced to show that Harris was in the warehouse at any time. He was only thought to have been the person or persons the officers heard inside the structure.

The fact that he was seen walking down the lane, and that he ran when the officer hailed him, was not sufficient provocation to cause the officer to draw his gun, and certainly not to shoot him in the back. If the officers were unable to connect another suspect up with the robbery who they found near the scene after several hours grilling, wherefore the justification for shooting down another who happened to be nearby.

The "quick trigger" policeman is a dangerous person to have around. There is just as much probability that Harris was not the person sought as there is that he was. And even granting that he was, no one has said that he was shot while running after he had been seen

NOTES ON JUSTICE AND FUGITIVES

Judge Lowell, of Boston, the gentleman of indigo-hued blood and silver-lined veins, who holds his own judgment more sacred even than the sacred cod, it seems, may face the frowns of a higher court after all.

The case on which the expected rebuke from the Supreme Court may be based, however, is not the one in which the aristocratic Lowell released the Negro wanted in Virginia on a murder charge. It was a mere narcotic trial.

But the Judge's alleged conduct in this case proves at least something about the individualistic Lowell and helps save the haughty face of the Great State of Massachusetts.

In the narcotic case His Honor, sitting on his high bench said of the defendant to the jury: "He wiped his hands during the testimony. It is a rather curious indication of lying. Why it should be, we do not know but that is the fact. I think that every single thing that man said except when he agreed with the Government's testimony, was a lie."

The Solicitor prosecuting the case was surprised by the instructions of the court. He suggested that the defendant be given a new trial and stressed the necessity of fair, unbiased instructions being given juries.

Just what the Supreme Court will do about Judge Lowell's charge, we do not venture to predict. It is for such sage gentlemen as Lowell to guess what the Supreme Court will do, or suggest to it how the laws should be interpreted. Be it remembered that Lowell did predict what the Supreme Court would do in the case of the Crawford Negro, just as he predicted that the Negro would not be given a fair trial in Virginia.

This latest news of the Boston jurist indeed is interesting in view of the position in which he placed his State because of the refusal to return a fugitive from justice to the State in which he was wanted.

Last week a prominent Boston newspaper suggested that Southern States perhaps should not be ruffled over the refusal of Massachusetts and New Jersey authorities to return fugitives.

The paper thinks that Virginia doubtless is the gainer in the Crawford case. That is to say, that if some of the Eastern States wish to make sanctuaries for fleeing criminals of themselves that the Southern States should be thankful for the good riddance and the saving of trial and imprisonment expenses.

Now comes The Asheville Citizen to approve such a state of affairs. Says The Citizen:

> Savoring somewhat of the old fugitive slave laws and the famous "underground railroad," there is a decided difference. Fugitive slaves represented, under the laws of the period, property investment, and their return was eagerly sought by the Southern States in their efforts to protect the property rights of their citizens. But probably no Southern State has any interest, aside from maintaining justice and the upholding of its dignity and sovereignty, in the actual return of such fugitives as the negro murderer, Crawford. If they escape to Massachusetts, and are not permitted to come back to their native Southern State, isn't that punishment enough for the criminal and sufficient satisfaction for the State which is thus rid of them?

Perhaps it may come about, in the gradual development of the Lowell idea, that Massachusetts and other Northern States may become the Siberia to which fugitive criminals from the South may exile themselves, without serious objection by the average citizen of the South.

The argument is not without some merit.

A surface view might make it appear that this method of ridding Southern States of criminals would be much more favorable to the States from which the criminal flees than to the States which would protect him. And as a matter of fact it would.

But then there is a United States to consider. But such gentlemen as Lowell and Consistent Constitution-Pointers seem better fitted to argue on that score. They have had lots of practice, and have had more to say about strict Unionism than have the people of say, the States of Alabama and Virginia.

Then too, if all the residents of Massachusetts were Lowells and were ready to turn their State into a reformatory for aliens fleeing from barbarian States, eventually they would grow tired of the hospitable role.

But curiously enough there are some people in Massachusetts who are not Lowells (and who speak to common every-day folks as well as to God.)

These people are not willing to lay out welcome mats for criminals. And will be glad enough to ship them back to the savage South.

In fact there is rather a large number of people in the Eastern States who believe that criminals should be punished and that individual States are more competent to try them than are professional individualists, for instance, the Great Lowell who would call a man a liar just because he has a hand infected with barber's itch!

Killings-1933
Virginia

ST. LOUIS, MO.
GLOBE DEMOCRAT

APR 26 1933

FAIR TRIALS AND JURY PANELS.

In a case from Delaware and also in the case of the seven of Alabama, already celebrated in jurisprudence, the federal judiciary held that under a jury system from which Negroes are excluded, the trial of a Negro defendant was no trial and his conviction no conviction.

An unexpected and far-reaching application of this ruling was made by Federal Judge James A. Lowell of Boston, a cousin of the Harvard ex-president, in a proceeding to extradite George Crawford, Negro, charged in Virginia with the murder of a woman. Though his decision was immediately appealed, this Judge ordered Crawford's release on habeas corpus writ on the ground that, as Virginia excludes Negroes from juries, the defendant would only be made answerable at an unfair trial. There was something in the Judge's query as to why, if the ultimate release on error was certain, he should not release him at once.

Should, in fact, a fugitive be returned and forced to undergo the ordeal of fighting for his life under the presumption that an adverse judgment would be set aside after the cost and delay of an appeal to Washington had been incurred, with the prospects of a second trial or a succession of trials, as defective as the first, as we have seen in the Alabama case?

If this is res adjudicata, one result is that extradition proceedings would become a good deal of a farce. All a criminal in a state with an unapproved jury system would have to do would be to flee to another part of the Union and he would be safe from punishment, a deplorable situation when the need for punishing criminals is especially urgent. Has a judge in an extradition case a right to assume in advance that justice will be denied? Virginia's jury law is said to be unimpeachable, discrimination resulting from the way it is administered, as is said, which might be changed before Crawford is tried.

If Negro citizens are denied a fair trial before juries from which Negroes are excluded, how about the case of a white citizen? And there is the old question about convictions before juries from which women, now citizens, are excluded. Of course, in Negro trials a weighty factor is a general prejudice against the race, of which exclusion from the panel is only one manifestation.

Another result, if it is res adjudicata, is that certain states would be forced to amend either the text or the administration of their jury laws, which would be an admirable result.

THIS CLIPPING FROM THE
WORCESTER
MASSACHUSETTS

APR 27 1933

Judge Lowell Is In No Danger

Apparently that Virginian congressman and his colleague from Texas—and General Mitchell, the General Mitchell to whose magnificent standards army aviation could not attain a few years back—who would either impeach or abolish the job of Federal Judge Lowell of Boston, have only one regret, and that is that they can't lynch the confounded Yank. Judge Lowell freed a Negro who is wanted in Virginia for murder, and in doing so remarked that, inasmuch as Negroes are not called for jury service in Virginia, contrary to the federal Constitution, the Supreme Court of the United States needs must hold the Negro's conviction (if he were convicted) to be unconstitutional. Now that, you see, is a vile insult to the womanhood or the chivalry or something of the fair Southland. And it's too bad, too.

However, it is regrettable that the two statesmen and the lone warrior, instead of indulging in silly prattle, do not furnish us with an intelligent discussion of the points at issue. Why are not Negroes called for jury service in Virginia? What chance of a fair trial would the Negro have in the Old Dominion? What would be the Supreme Court's jurisdiction in case of conviction? An intelligent discussion of these and germane matters might get us somewhere. But this ranting around is only so much theater, and shoddy theater at that, for a bored and yawning public.

RALEIGH, N. C.
TIMES

APR 25 1933

RACE PREJUDICE AS TO NEGRO FOR AS WELL AS AGAINST HIM

It is difficult to realize the folly of a Federal judge who freed on habeas corpus proceedings a fugitive charged with murder in another State, on the ground that even if tried and convicted the Supreme Court of the United States would nullify the verdict. Yet this presumptious jurist so held, and his name is Lowell, of Massachusetts!

It need scarcely be said that the fugitive so favored by a court sitting in Boston was a negro. Wanted by Virginia, he was duly arrested for the alleged murder of two women and the ground on which he sought the writ was that in Virginia negroes do not sit on juries.

Neither do members of the negro race sit on juries in North Carolina or, so far as we know, in any other Southern State. Under the Civil War amendments, it is just possible that a negro might enforce the right to be called as a juror, but because he is not tried by a jury composed entirely or in part by men of his color, a prisoner's right to a fair trial is not thereby jeopardized. Each trial must be carried out in the nisi prius and weighed in the appellate courts on the way in which it was conducted, without prejudice on account of some academic theory of the law. Otherwise a nationalized Greek might escape punishment because no Hellenic brethren were on the panel or venire. And assuming that the sole Chinaman in a county should be indicted, he would by this reasoning be freed automatically, there being no Chinaman, native born, to sit as a juryman!

The South is widely accused of race prejudice, sometimes (as in the Scottsboro case) with reason. But any prejudice surviving against negroes in the South fails to match the inherited prejudice in their favor still obtaining among the descendants of the New England abolitionists, to the point of the impertinence of an inferior judge deciding in advance what action would be taken by the highest court in a purely hypothetical case.

Time for Investigation

THE FREE PRESS is glad to note that the House of Representatives at Washington, by a substantial vote has ordered an inquiry to determine whether Judge James A. Lowell, federal jurist, of Massachusetts should be removed from office because of his apparent high handed decision a day or two ago when a negro charged with murder in Virginia, and said to have confessed to the crime, was liberated.

Judge Lowell ordered the negro's release on habeas corpus proceedings after the Governor of Massachusetts had honored extradition papers from the Governor of Virginia. The Judge held that because negroes were barred from jury duty in Virginia, the defendant could not get a fair and impartial trial and the Supreme Court of the United States would release him even if he was convicted. Congressman Smith of Virginia brought the matter to the attention of the House.

In the first place, as The Free Press understands it, the state of Virginia does not bar negroes who are qualified citizens from jury service. But aside from that point, it is no business of a Massachusetts jurist to pass upon the validity of the courts of Virginia or to arbitrarily hold that justice cannot be meted out in that commonwealth of great and noble people.

Intelligent people of the South know that justice in its courts is impeded rather than advanced by the interference and appeal to race prejudice of self-appointed meddlers.

Greensboro, N. C., News
April 28, 1933

RACIAL COMPOSITION OF JURIES.

Federal Judge Lowell says in effect that the Neal case, from Delaware, establishes that the United States Supreme court will hold a trial of a negro illegal in a state where negroes are not drawn on juries; state and defense in the case of George Crawford, convicted for murder in Virginia, admit that negroes do not serve on juries in that commonwealth; therefore everybody knows the Supreme court would hold the man had not been tried, and sending him back to Virginia from New York would get nobody anything except the lawyers. This will probably be held unclubby. The attorney from Virginia is reported as saying "negroes were not excluded from jury service there." What the chronicler is struggling to get over is that negroes "are" not excluded. A good many of us news writers regularly succumb in the unequal struggle with the tense of verbs.

It seems to turn on a question of fact: Is there exclusion of the negro from jury service in Virginia in the intent and meaning of the decision of the Supreme court in the Delaware case of 50 years ago?

The exceedingly smart lawyer from New York who appeared in the Scottsboro case the other week, finding himself up against a stone wall, drove his battering ram mightily against the negro-exclusion sector. It is an old issue that he raised, but he has invested it with a significance that makes it new. Getting the big jury list book, a document said to have been secret hitherto, Liebowitz dramatized the occasion with "I'll go through these files and prove no negroes appear on the lists if it takes 15 years, if it takes till doomsday." The court ruled that the defense had established a *prima facie* case of violation of the fourteenth amendment by the Alabama jury system.

Few things are less probable than that Alabama, or Virginia, will contemplate a change of the jury system in this respect. Each state will go on trying with white juries and executing one now and then, enough advised will decline to accept negroes charged with capital crimes, s well enough informed or well

BALTIMORE, MD.
MORNING SUN

APR 28 1933

NEGROES AND JURY SERVICE

If the views of Federal Judge James A. Lowell, of Massachusetts, in respect to extradition of fugitives from justice should be upheld by the higher court, there would be an end to the recapture by Southern States of Negroes accused of crime who fled to the jurisdiction of any State which wished to interpose the obstacles raised by Judge Lowell.

Refusal to extradite in the case in question was based on the ground that Negroes are barred from service on Virginia juries. They are not, however, barred by law and the fact is that Negroes have served on Virginia juries, though it is agreed that the general practice is to exclude them. But as the Norfolk *Virginian-Pilot* points out, in order to sustain his ruling "it was necessary for Judge Lowell to assume (1) that Negroes will be illegally barred from the jury; (2) that the prisoner will be convicted, and (3) that the Supreme Court of the United States will nullify his conviction." This is all so speculative and drags in so much that is mere assumption that validation of Judge Lowell's ruling would introduce into extradition procedure complications that would gravely interfere with administration of justice.

It is well, however, for the States of the South to realize that they are confronted by a condition that may become increasingly embarrassing in their legal processes, as they affect Negroes, because of the methods pursued in preventing them from serving on juries. Our own Court of Appeals a short time ago reversed on this ground a verdict found in the case of a Negro convicted of an atrocious murder. Negroes here are not excluded by law from jury service, but our court held that the practice followed was tantamount to exclusion. The reasons for adhering to the practice are fully understood by those who know conditions in the South; and it is not prompted by purpose or desire to deny Negroes fair and impartial trial. Nevertheless, the practice is in conflict with the Federal law.

Southern States should consider whether it would not be wise, as the Richmond *News-Dispatch* suggests, to avoid complications and "remove the cause of complaint by using Negro jurors on occasions." The bumptious ness of Judge Lowell, which could lead to reprisals by Southern States in extradition proceedings instituted by their Northern sisters should not be allowed to cloud the vision of the South.

BROOKLYN N. Y. EAGLE
APRIL 28, 1933

Dixie vs. Judge Lowell.

A Democratic Governor of Massachusetts granted a requisition from the Democratic Governor of Virginia for the extradition of a Negro accused of and indicted for murder. A Republican Federal judge, James A. Lowell, sitting in Boston granted a writ of habeas corpus and then freed the Negro flatly on the ground that the man could not be tried in Virginia by a jury of his peers, since Virginia doesn't permit Negroes to serve as jurors. That a member of the Lowell family must always be right is a Boston notion. A lawyer's comment might be that this judge clearly rushed in where Supreme Court justices feared to tread.

Now the Dixie men in Congress are up in arms. A Texas member puts in a bill to "abolish" the office of Lowell. A Virginia Representative offers a resolution which he will push to impeach the judge before the Senate as a court. Rhetorical razors are flying through the air. But the reported fear of some Negro leaders that a "new fugitive slave law" may be enacted is whimsical, save that it recalls a period when righteous anarchy ran rampant in Washington and elsewhere and a Represenative of Lincoln's State exclaimed fiercely on the floor of the House:

> Let it ring through the high arches of heaven and reverberate through the deep gorges of hell, where slave catchers will be very likely to hear it, that Owen Lovejoy lives at Princeton, Illinois, and he helps every fugitive slave who comes to his door and asks it. Thou invisible demon of slavery, dost thou think to enter my humble dwelling and forbid me to give bread to the hungry and shelter to the houseless? I bid thee defiance in the name of God.

No; there will be no "new fugitive slave law" and no "underground railroad" to Canada for Negroes accused of murder in some Southern States where colored men on juries are unknown. Impeachment is doubtful. True, the Democrats who include practically the whole representation from the indignant South, have an overwhelming majority in both Senate and House. But a lot of their Northern members owed their victory in large part to the marginal Negro vote in States where that vote is cast and counted.

Yet we cannot help thinking that something like the anarchy of Owen Lovejoy animates the spirit of Judge Lowell of Boston. Whether such anarchy, based on high principles of justice and human brotherhood, is to be justified or condemned is a question that may be left to casuists. There will be no surprise in any quarter if higher courts overrule the Lowell decision on a point which the court of last resort manifestly avoided in the Scottsboro decision and opinion.

LOUISVILLE, KY.
TIMES

MAY 1 1933

GIVING NEGROES THEIR DUE

Commenting upon a case which has caused widespread comment, *The New York Evening Post* says

> Most Northerners assume that, because Negroes are barred from Southern juries, therefore, Negroes do not get a fair deal. The Scottsboro cases apparently bear that out. Nevertheless, intelligent Southerners maintain the contrary. It seems fair to assume that the actual truth lies somewhere between these two extremes, and, therefore, that the Negro is not utterly deprived of justice.
>
> If the Supreme Court, then, is going to set free every Negro tried in the South for murder, it will simply put a premium on murder. It will automatically destroy the existing system of courts and justice in the Negro States. It will either allow horrible murders like the Ilsley case to go unpunished, or it will stir to new life the deadly sin of lynching. It seems to us that the only way in which Judge Lowell and the Supreme Court can force Negroes upon Southern juries is to ask the North to get together and go down and win a second Civil War.

Negroes, it has been explained, by Virginians, are not excluded from jury service in the Old Dominion.

But, it is explained by others, neither are they included, in practice, in panels.

It is difficult to overcome human nature by legislation. But someone ought to say, and therefore THE TIMES will say, that if a jury of twelve average Virginia Negroes should sit in the Ilsley murder case and should be convinced that the defendant committed the murders a death sentence would be just about as sure as it would be if twelve whites constituted the jury. If that were not true Virginia would be much less agreeable, and much less safe, as a place of residence, for whites or Negroes, than it is.

ROME, GA.
NEWS TRIBUNE

APR 28 1933

AMAZING ACT OF JUDGE LOWELL

THE suggestion of Representative Howard W. Smith, of Virginia, that there may be grounds for impeachment as the result of the action of Judge James A. Lowell, of Massachusetts, in refusing to turn over to Virginia the alleged slayer of two helpless women, has a plausable ring at any rate.

The ground upon which the Massachusetts jurist acted in denying Virginia custody of the alleged killer was that Virginia does not provide for negroes to appear upon juries.

If grounds of this nature are valid, and courts generally should adopt such tactics, then the recovery of any fugitive would be difficult indeed. A California judge might say that no Chinamen are allowed on Massachusetts juries, and a Wisconsin judge might decide that no Eskimo is allowed to serve on a Louisiana jury, thus confusion would be infinite and justice would be thwarted at every turn.

Certainly the Massachusetts jurist has gone to the utmost extreme in the injection of technicalities into the administration of justice and such technicalities should not stand in the way of criminals being punished for the brutal assassination of innocent persons.

For the sake of justice it is to be hoped that Congressman Smith may find valid ground for testing in the courts the amazing action of Judge Lowell.

FRANKFORT, KY., STATE-JOUR.
Wednesday, April 26, 1933
STUMP SPEECH

We greatly doubt the possibility of impeachment of Judge James A. Lowell, of Massachusetts, who saw fit to insult the South by his remark that no negro can get a fair trial by a white jury. But we don't believe the judge's stump speech will prove good advertising, in New England even.

The proposal of a Virginia congressman to procure impeachment of Judge Lowell if possible is merely one of many echoes of an unfortunate assertion. There will be many of them.

Judge Lowell is, no doubt, sincere. He is from old abolitionist territory and he has, no doubt, the typical New England attitude toward the negro question.

The two murders in Virginia the victims were women—for which the Virginia negro's trial is sought were atrocious. The matter is not one about which to jest, and probably Judge Lowell did not mean to be understood as uttering a pleasantry.

He may think that what he surmised actually is a fact.

New England knows little about the South.

Killings-1933

Justice from the State of Sacco and Vanzetti

The curtain rises, this time, on Boston. There, a federal judge has assumed jurisdiction of a criminal case pending in the courts of Virginia, and without hearing any testimony or possessing any of the facts, he liberates a fugitive from justice with the insult that justice could not be had in Virginia.

It so happens that the defendant in the case was a negro charged with the murder of a Virginia woman and her negro maid.

This is not important to the issue except that the judge raised the color question for the basis of his denial of the return of the fugitive to the state which charges him with the crime. This, of course, was gratuitious, and calculated to stir up animosities which do not now exist and which have no place in an American courtroom.

Indirectly, the insult to the state of Virginia was aimed also at the Supreme Court of the United States. It would be difficult, indeed, to presume, as this Boston judge did, that the Supreme Court would nullify a Virginia verdict, unless he believed the court would stultify itself. The Supreme Court does not make a custom of nullifying verdicts from the courts of Virginia or any other state. In fact, that Court will not disturb the verdict of a state court unless and until some right claimed under the federal constitution is flagrantly denied. Nor do the records of southern courts suffer by any comparison with those of northern courts.

It is unfortunate that this issue has been raised in Boston. Criminals do not confine their fugitive haunts to particular sections. Massachusetts criminals are apt to be picked up in Georgia, or even in Virginia; and if this Boston precedent is to prevail then justice will not depend upon the process of courts and juries, but upon the prejudices and private opinions of a single man.

There is nothing in the Code of Virginia or of any other southern state which denies a fair and impartial hearing to any person charged with a crime. All the higher courts of the land, not once, but over the decades, have time and again, determined this. Only by prejudice and abuse, coupled with a lot of upstage ballyhoo such as was apparent in the recent Alabama case, do the rights of an accused person become jeopardized.

It ill-becomes anybody, judge or layman, in the state of Sacco and Vanzetti to cast slurs upon the judicial system of any other state.

Congress May Oust Judge For Freeing Negro

WASHINGTON, April 25.—(AP)—Demands came from some Southern representatives today that Federal Judge James A. Lowell of Boston be punished by abolition of his office or by impeachment for his actions in freeing George Crawford, a negro, wanted at Middleburg, Va., on murder charges.

Lowell, at Boston yesterday, released Crawford on a writ of habeas corpus on the ground that negroes do not serve on juries in Virginia and that any conviction obtained against him there could be reversed by the United States Supreme Court.

The immediate reaction was a statement to newspapermen by Representative Smith (D), Virginia, that he would institute impeachment proceedings if he could find a way under the law.

As he conferred with members of the judiciary committee, Representative Dies (D), Texas, introduced in the House a resolution that would abolish Lowell's judgeship.

Lowell, the Dies resolution said, "flagrantly violated his oath of office" when he refused to permit the return of Crawford to Virginia to answer for the slaying of Mrs. Agnes Boeing Ilsley, wealthy sportswoman of Middleburg and Milwaukee, and her maid, Nina Buckner.

Gov. Ely, of Massachusetts, already had granted Virginia the right to take the prisoner back for trial.

Brig. Gen. William Mitchell, former assistant chief of the air corps and one of Mrs. Ilsley's neighbors, telephoned a statement to Leesburg, Va., this afternoon saying he had instituted steps looking toward Lowell's impeachment even prior to the decision yesterday. Mitchell was one of the leaders of the search for the Ilsley-Buckner slayer.

"Due to communistic elements and an unpatriotic judge," Mitchell said, "justice has been thwarted."

Lowell at his home in Massachusetts declined comment on any of the day's developments.

Massachusetts Judge Frees Alleged Slayer Because Virginia Juries Are White

BOSTON, April 27.—(AP)—George Crawford, 34, negro, wanted in Virginia for murder, was freed today on a writ of habeas corpus by Federal Judge James A. Lowell who said the Supreme Court would nullify a conviction of the defendant in Virginia because negroes did not serve on juries there.

Pending action on an appeal to the U. S. Circuit Court of Appeals by the State of Massachusetts, Crawford later was held in $25,000 bail at the Charles Street Jail.

Crawford was charged with slaying Mrs. Agnes Boeing Ilsley, wealthy sportswoman, and her maid, Mrs. Nina Buckner, in a lodge of the Ilsley estate in Middleburg, Va., in 1932. He was arrested here and later identified as a fugitive from Virginia. Gov. Joseph B. Ely ordered his extradition.

Judge Lowell said: "Why send this negro back to Virginia when I know and everyone knows the Supreme Court will say the trial is illegal. The only one that would get anything out of it would be the lawyers. The whole thing is absolutely wrong."

AN AMAZING DECISION

The release by Federal Judge Lowell, of Boston, of a negro wanted in Virginia for a revolting double murder, on the ground that if tried and found guilty the verdict would be overruled by the supreme court because negroes do not serve on juries in Virginia, is so amazing a decision to come from a federal court as to be scarcely believable.

It is natural that southern members of congress should demand the removal of so narrow-minded and bigoted a judge, and that General William Mitchell, former chief of the army air corps and a neighbor of the women with whose murder the negro is charged, should charge that "there has never been a more flagrant case where justice has been thwarted."

There is more of prejudice than justice in Judge Lowell's decision. It is an inexcusable indictment of the people and the courts of a sovereign state which has contributed more liberally than any other commonwealth to the highest traditions of the nation.

More serious than the subversion of justice in this individual case is the certain effect it will have in further decreasing respect for the courts of the country—a respect which has been fast declining during the past decade as a result of the unsuccessful efforts to enforce the eighteenth amendment and of such intolerant decisions as Judge Lowell's.

It is not surprising that the New York attorney in the recent Scottsboro case should have made such inflammatory utterances as to bring a sharp rebuke from the presiding judge, when the judge of a United States court will father statements fully as objectional in their reflection upon the good name and justice of the people of an entire state.

The courts themselves are largely responsible for their loss in influence and respect. They must be cleaned of the prejudices and intemperance exhibited by the Lowells and the Leibowitzes and put on the same high plane as those of England and Canada and other nations, before they can regain the high respect with which they were held by the people of the country.

Move Is Begun To Oust Lowell

Voting 209-150, House Orders Investigation Of Federal Judge's Conduct

WASHINGTON, April 26.—(AP)—The House today instructed its judiciary committee to investigate the official conduct of Federal Judge James A. Lowell of Boston after Representative Smith (D), Virginia, had impeached the jurist on the floor for his freeing of a negro wanted for murder in Virginia.

By a vote of 209 to 150, the House ordered an inquiry to determine whether Lowell should be removed from office.

Smith based his charges on Judge Lowell's action in liberating by habeas corpus George Crawford, ex-convict whose extradition to Virginia had been approved by Gov. Joseph B. Ely of Massachusetts. Crawford is charged with slaying Mrs. Agnes B. Ilsley, prominent Virginia sportswoman and her companion, Mrs. Mina Buckner, at Middleburg Virginia.

Disclaiming that racial prejudice entered into the case, Smith said that Crawford was a "self-confessed murderer" and that Judge Lowell had willfully violated his oath of office and the constitution, and had abused his powers. He quoted Lowell on saying:

"Why should I send a negro back from Boston to Virginia when I know, and everybody knows, that the Supreme Court will say that the trial is illegal?" "I charge," Smith said, "that the said James A. Lowell did deliberately and wilfully, by ordering the release of said George Crawford unlawfully and contrary to the law in such cases made and provided, seek to defeat the ends of justice and to prevent the said George Crawford from being duly and regularly tried in the tribunal having jurisdiction thereof for the crimes with which he is charged."

HIS MAJESTY, THE JUDGE

Congress unfortunately has no jurisdiction over royalty. There is nothing in the Constitution which gives that representative body of the common folks the power to dictate to the wearers of the purple.

And obviously, Judge (James I.) Lowell, of the Great State of Massachusetts, by virtue of his crown does not come under the rules of democratic government which regulate the actions of mere American subjects.

Judge Lowell, be it known, is the gentleman who looked over into the State of Virginia from his high-and-mighty Federal bench and ruled that its courts were unworthy of trying a man for the murder of two women.

George Crawford is a 34-year-old Negro, charged with the murder of a wealthy Virginia woman and her maid.

The man was captured in Massachusetts, identified as a fugitive from justice in Virginia. The Governor of the Southern State requested extradition rights and Gov. Ely, of Massachusetts, granted them. The Negro's attorneys filed habeas corpus proceedings in a Boston court before Judge Lowell, a perfectly legal step and within the prisoner's guaranteed Constitutional rights.

Now it was up to the Judge to pass on the evidence offered by the Southern State and to determine if the State possessed enough evidence to warrant his return for trial.

But the Great Man on the Federal bench was not so deeply concerned with hearing evidence for and against the Negro as he was in passing judgment on the Virginia courts.

His Majesty, James I., decided that Negroes were not allowed on Virginia jury panels. (He probably heard that somewhere.) And because his Royal Judgeship does not like the manner in which he thinks Virginia operates its courts, he

turned the Negro scot free, so far as he was concerned.

Now several Congressmen want to impeach Judge Lowell because they think he stepped perhaps just a bit beyond his duly constituted authority.

They think that his statement: "Why send this Negro back to Virginia where I know and everyone knows that the Supreme Court will say the trial is illegal?" is stretching his authority too far. And after all, there are not many individuals in this democratic country endowed with the power to indict a State and forecast the verdict of the Supreme Court all in the same breath.

SEEK TO IMPEACH NEGRO CASE JUDGE

Virginians Start House Move Against Lowell for Freeing Accused at Boston.

OFFER RESOLUTION TODAY

Meanwhile, the Jurist Ignores the Attacks on His Denunciation of the Negro Jury Ban.

Special to THE NEW YORK TIMES.

WASHINGTON, April 25.—An attempt to impeach Judge James A. Lowell, who in court at Boston yesterday freed on a writ of habeas corpus a Negro charged with murder in Virginia, will be sought by the Virginia delegation in the House of Representatives.

George Crawford, whose extradition to Virginia had been authorized by Governor Ely of Massachusetts, was released on the ground that Negroes are not permitted to serve on juries in Virginia, and thus a conviction in that State would be reversed by the United States Supreme Court.

Crawford was charged with the murder of Mrs. Agnes Boeing Ilsley and her maid, Nina Buckner, at her estate near Alexandria, Va.

A resolution to impeach the judge was drafted tonight and will be introduced in the House tomorrow by Representative Howard W. Smith of Alexandria.

Smith Quotes Prosecutor.

John Gallater, Commonwealth's Attorney of Loudon County, Va., appeared in Judge Lowell's court as the representative of Governor Pollard.

Judge Lowell brought the habeas corpus proceedings to an end with the declaration that if he sent the accused Negro back to Virginia "the only persons who would get any good out of it would be the lawyers." He would rather be wrong in law than give his "sanction to legal nonsense," the judge added.

"Mr. Gallater told me," said Mr. Smith, "that he was not permitted to make any argument, and it would seem that the Attorney General of Massachusetts, who appeared for Governor Ely and in behalf of the State of Virginia, was accorded little consideration in so far as the matter in issue was concerned."

While the Virginians were mapping their program, Representative Dies of Texas introduced a resolution to abolish Judge Lowell's office on the ground that he had "flagrantly violated his oath" and "had displayed a venom and prejudice unparalleled in the judicial history of the United States." This resolution went to the Committee on Judiciary, where it is understood that it will be pigeonholed.

Judge Ignores Moves.

Special to THE NEW YORK TIMES.

BOSTON, April 25.—"I don't care what he said; I don't know what he said, and I don't want to know." Thus Judge Lowell of the Federal District Court dismissed the statement in Washington to the effect that Representative Howard W. Smith intends to press a resolution of impeachment.

George Crawford was under arrest at the request of the Governor of Virginia, who had sent a demand for the prisoner's extradition to Governor Ely. The Governor granted the request and issued the order, after Assistant Attorney General Bacigalupo had held a hearing.

The return of Crawford to Virginia was stayed by a petition for a writ of habeas corpus. Judge Lowell granted the writ on a brief accompanied by an agreed upon statement by facts showing that Virginia does not allow Negroes to serve on juries, and that Crawford therefore would not be tried by a jury of his peers.

The United States Circuit Court of Appeals in the October session here will hear the appeal of the State from Judge Lowell's decision.

New Fugitive Slave Law Seen.

If the decision of Judge Lowell in granting a writ of habeas corpus to George Crawford on the ground that Virginia bars Negroes from jury service, can be sustained it will be a new fugitive slave law, according to the National Association for the Advancement of Colored People, 69 Fifth Avenue, whose attorneys are acting for Crawford.

"This case involves an entirely new approach to the question of Negroes serving on juries in the South," said Walter White, secretary for the association yesterday.

"It differs from the Scottsboro and other cases in that those cases seek to set aside a verdict after conviction, whereas here our attorneys are attempting to establish that a State which bars Negroes from grand and petit jury service in violation of the Fourteenth Amendment to the Constitution cannot demand the return of a Negro fugitive for trial because such a State has already illegally and unconstitutionally indicted the fugitive and denied him his rights even before his actual trial."

NORWICH, CONN.
BULLETIN

APR 27 1933

"EVENTUALLY—WHY NOT NOW"

Federal Judge James A. Lowell of Massachusetts, in honoring a writ of habeas corpus freeing George Crawford, is quoted as saying, "If eventually, why not now?" This expression characterizes Judge Lowell as one being farsighted in constitutional law. This case was one brought by the National Association for the Advancement of Colored People in defense of one George Crawford who was wanted in Virginia on an alleged charge of murder. The Association, in its defense, relied upon the nonparticipation in jury service by the members of Crawford's race. The attorneys for the Association had made a vigorous attack upon the whole jury system as is practiced in the Virginia courts, which has, as in other southern states, systematically excluded Negroes from the jury panels.

Judge Lowell, after a careful study of the defense case, knew that the Fourteenth and Fifteenth Amendments to the Federal Constitution were clearly violated, and that, if the case in question should go before the United States Supreme Court, there would be nothing for that tribunal to do except to dismiss the case. Thus, he reasoned, if eventually (the case against Crawford is to be dismissed because of the exclusion of his race from jury service in Virginia) why not now? We think that this Judge has rendered a wise and far-reaching decision. Why continue to persecute Crawford, causing the defense and State large sums of money when the United States Supreme Court will surely render a decision in his favor.

This, like the Scottsboro case, smacks straight at the rotten jury system in the South. After hearing this decision, we think that Judge Horton of Decatur, Alabama who sat in the Haywood Patterson case, should immediately reconvene his court, call the Scottsboro cases before him and entertain a writ of habeas corpus on the grounds that any conviction under the present jury system in Alabama of these nine innocent boys would be reversed by the United States Suprem Court. Judge Lowell had the courage to say he did not want to be reversed. He set a good precedent for Judge Horton who has been hailed as a "fair minded Judge."

SAVANNAH, GA.
NEWS

APR 29 1933

A United States District Court judge in Boston named Lowell has upheld the contention of the lawyer for a negro for whom extradition papers were requested by the Governor of Virginia that a negro cannot receive a fair trial in the South because men of his race are barred from juries. Only recently in Georgia a negro murderer was tried for the second time in another county than the place of original trial in order that he might have the benefit of an environment more in his favor. Georgia courts certainly cannot be justly accused of injustice to negroes on their trials. The federal judge in Massachusetts has decidedly gone out of his way to reflect on this section.

THE LOWELL DECISION

Although the efforts for the impeachment of Federal Judge James A. Lowell of Massachusetts is gathered by representatives of Virginia who resent the action which he took in granting the freedom of George Crawford, Negro, charged with murder in the Old Dominion state, on a writ of habeas corpus, the case arouses deep interest far beyond that state.

Crawford had been indicted in Virginia. The claim that state made for his return had been recognized by Governor Ely of Massachusetts and the course followed in asking for extradition was regular. On the ground that Virginia doesn't summon Negroes for jury service in that state, the judge maintained that the supreme court of the United States would declare any conviction to be illegal but refused to allow the laws of Virginia to prevail or to let the case go to the supreme court, if such would be the case, for a decision of its own.

How far the impeachment efforts will get is not known. Determined efforts are back of them, if we may judge from the expressions of members of congress who have set them in motion. On the other hand, it is possible that the Lowell decision will not be sustained. While the granting of the writ of habeas corpus operates to give freedom to Crawford an appeal has been taken from that decision by the state of Massachusetts, which holds out the possibility that the court of appeals may return a different decision. Until that is determined Crawford is being denied his liberty.

Virginia feels that a grave injustice has been done its administration of law. It recognizes that it lies within the power of the governor of another state to deny extradition, and it has been done in cases where serious question has been raised as to its justification but it maintains that its efforts to deal with capital crime are unjustly interfered with by the decision and it is unwilling to accept it, even while waiting for the decision of the court to which an appeal is taken.

Kidnings-1933

Virginia

THE CRAWFORD CASE

JOSEPH CRAWFORD, with legal assistance furnished by the National Association for the Advancement of Colored People, is fighting extradition from Boston to Middleburg, Va., where he is accused of having murdered Mrs. Agnes B. Ilsley, a wealthy white woman, and her maid.

The N. A. A. C. P. has secured information through Miss Helen Boardman, its erstwhile free camp investigator, that the feeling in and around Middleburg is such that Crawford cannot get a fair trial. Its lawyers have secured witnesses to testify that Crawford was in Boston at the time the murder was committed. Finally, it is contended that since Negroes are not admitted to jury service in Virginia Crawford could not in any event be tried by a jury of his peers.

This is a very important case, not only because we want to save the life of an innocent man, but because we need in every possible way, and at every opportunity, to bring before the world the fact that Negroes in the South are denied the rights of free men and citizens; that they have no rights there that a white man is bound to respect.

EXTRA

Habeas Corpus Saves Crawford From Virginia Again

BOSTON, Mass.—(By Wire)—A writ of habeas corpus to prevent Massachusetts from turning George Crawford over to the Virginia authorities was issued by Judge McClellan in U.S. District Court, Monday. Crawford was represented by Butler R. Wilson, president of the local branch of the National Association for the Advancement of Colored People. Assistant Attorney-General Stephen D. Baciaglugo represented the commonwealth.

March 13 is set as date for hearing.

MYSTERY WOMAN BEING HUNTED IN CRAWFORD CASE

N. A. A. C. P. Advertises In New York Times For Woman Who Claimed Crawford Would Be Made "Goat" In Ilsley Murder Case.

NEW YORK, Mar. 9—The dramatic and bitter legal battle to prevent the return of Joseph Crawford from Boston, Mass., to Middleburg, Va., to face trial for the murder of Mrs. Agnes B. Ilsley and her maid, is being carried forward step by step by the N. A. A. C. P. and its Boston branch.

A hearing on the merits of writ of habeas corpus which Crawford's lawyers secured February 27th will be held March 13th in Boston. At that time Butler R. Wilson and J. Weston Allen, attorneys, retained by the N. A. A. C. P., will submit their arguments.

Meanwhile, in New York the association has advertised in the personal column of the New York Times, seeking to locate the Virginia white woman, now a resident of New York, who wrote an anonymous letter last year to the Amsterdam News in which she made sensational charges that Crawford did not commit the murders, but would be made the "goat" for someone else. The advertisement:

"Will former Virginia woman who wrote Amsterdam News early in 1932 regarding Ilsley case communicate immediately with National Asso. for Advancement of Colored People, 69 Fifth avenue, telephone Algonquin 4-6548. Will treat matter strictest confidence. Vitally important as life of innocent man at stake."

The Crawford extradition case has aroused great interest and has received wide mention in the press of the country. In the Nation for March 1, Miss Helen Boardman, who went into Middleburg, Va., to secure evidence for the N. A. A. C. P., and who testified in Boston for Crawford, has an article telling of her experiences.

Funds to continue this case are urgently needed by the N. A. A. C. P. The association is fighting a number of life and death cases throughout the country.

NEW YORK CITY POST
APRIL 26, 1933

THE LOWELL CASE

The movement to impeach Federal Judge James A. Lowell of Boston presents a strange mixture of issues.

Two years ago there was in the picturesque little town of Middleburg, Va., a brutal double murder of Mrs. Agnes Ilsley and her maid, Nina Buckner. Circumstantial evidence indicated as the probable murderer a Negro ex-convict who had been taken on as a gardener by Mrs. Ilsley and then discharged. For months and months the hunt for that Negro continued. At last such a man, if not the man, was arrested in Massachusetts. Virginia asked his extradition. Judge Lowell then released the Negro, Crawford, on a writ of *habeas corpus*, on the ground that Negroes do not serve on juries in Virginia, and that any conviction obtained against him there would be reversed by the United States Supreme Court. Lowell's impeachment is now asked by Brigadier General William Mitchell, a neighbor of Mrs. Ilsley, through his Congressman, Representative Howard W. Smith.

We do not doubt the fairness of the impulse which led Judge Lowell to set Crawford free. Most Northerners assume that, because Negroes are barred from Southern juries, therefore, Negroes do not get a fair deal. The Scottsboro cases apparently bear that out. Nevertheless, intelligent Southerners maintain the contrary. It seems fair to assume that the actual truth lies somewhere between these two extremes, and, therefore, that the Negro is not utterly deprived of justice.

If the Supreme Court, then, is going to set free every Negro tried in the South for murder, it will simply put a premium on murder. It will automatically destroy the existing system of courts and justice in the Negro States. It will either allow horrible murders like the Ilsley case to go unpunished, or it will stir to new life the deadly sin of lynching. It seems to us that the only way in which Judge Lowell and the Supreme Court can force Negroes upon Southern juries is to ask the North to get together and go down and win a second Civil War.

NEW YORK TIMES
APR 25 1933

BARS EXTRADITING NEGRO TO VIRGINIA

Boston Federal Judge Holds Racial Jury Issue Would Void Murder Conviction.

'YANKEE COMMON SENSE'

Lowell Gets Notice of Appeal Looking to Supreme Court Ruling on Such Cases in South.

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BOSTON, Mass., April 24.—By granting a writ of habeas corpus to a prisoner for whom Governor Ely had already issued an extradition order at the request of the Governor of Virginia, Judge James A. Lowell in Federal District Court here has challenged the procedure of the Southern State in excluding Negroes from jury service.

The prisoner was George Crawford, accused of murdering Mrs. Agnes Boeing Ilsley, a rich sports woman from Milwaukee, and her maid, Mrs. Nina Buckner, on the Ilsley estate at Middleburg, Loudoun County, Va., in January, 1932. Mrs. Ilsley is said to have been an acquaintance of Judge Lowell.

Stating that even if the extradition were allowed, the case would only go to the United State Supreme Court on appeal on constitutional grounds, Judge Lowell said:

"This whole thing is absolutely wrong. It goes against my Yankee common sense to have a case go on trial for two or three years and then have the whole thing thrown out by the Supreme Court.

"Why should I send a Negro back from Boston to Virginia when I know, and everybody knows, that the Supreme Court will say that the trial is illegal? The only persons who would get any good out of it would be the lawyers.

"I'd rather be wrong on my law than give my sanction to legal nonsense."

Assistant Attorney General Stephen D. Bacigalupo, who, as the representative of Governor Ely, appeared to oppose the allowing of the writ, asked:

"Are we going to say that the State of Virginia does not uphold the laws of the United States?"

"They have not done so," retored Judge Lowell, "when it comes

to a question of putting Negroes on juries down there. The whole thing to me is a piece of stage play. The writ of habeas corpus is allowed."

Mr. Bacigalupo gave notice of appeal to the Circuit Court of Appeals. It is understood that no contest will be made there, but that the case will be certified to the Supreme Court to get a decision which will affect all the Southern States.

The brief for Crawford, a 28-year-old native of Augusta, Ga., who is still in jail here in the nominal custody of the State police, raised these issues:

A claim that the exclusion of Negroes from grand jury or other jury duty by law is contrary to the express wording of the fourteenth amendment to the Constitution.

"If the law be fair on its face, but be administered with uneven hand or with evil eye, there is just as potent a denial of the rights granted by the fourteenth amendment.

In a court document, Presiding Circuit Judge John R. H. Alexander of the Twenty-sixth Virginia District, comprising Loudoun, Fauquier and Rappahannock Counties sets forth that he never has known Negroes to be called for jury service or to serve on a jury in any of the three counties and that he himself makes up the grand jury from the list of 'qualified taxpayers."

The judge says that he always tries to select representative persons; that he knows there are Negroes in the county who meet all requirements of the law to serve on petit juries and that he has no doubt that there are Negroes in the county who measure up to the standards he has established for grand jurors.

He says that he never has examined any Negroes to determine thei rfitness to serve on juries and that the question has never been raised.

RICHMOND, Va., April 24 (AP).—Attorney General John R. Saunders of Virginia, commenting on Judge Lowell's decision, said that the Boston judge "is completely in error as to fact."

He added that he was "amazed that any such distorted picture of Virginia justice should have been presented to or believed by a Massachusetts jurist."

Governor Pollard declined to comment.

THE N. A. A. C. P. FORCES A SHOWDOWN

THROUGH its masterly handling of the legal fight for the freeing of George Crawford, the 28-year-old Negro accused of the murder of Mrs. Agnes Boeing Ilsley and her maid, Mrs. Nina Buckner, at Middleburg, Va., on January 13th, 1932, the National Association for the Advancement of Colored People has forced a showdown on the Southern custom of excluding Negroes from jury service. The decision of Federal Judge James A. Lowell of Boston to turn the falsely accused Negro loose on the ground that the U. S. Supreme Court would reverse any conviction obtained in Virginia because of its lily-white jury system is destined to go down in history as a high-water mark in the fight for Negro freedom.

As was to be expected, the prejudiced white South is in an uproar over the Yankee judge's decision. Having violated the Constitution freely for the past century, Dixie's spokesmen now want to impeach the Massachusetts judge on the ground that he has violated the Constitution. We believe the plot to punish Judge Lowell will fail. He has not only been guided by legal precedent in making his decision, but also by common sense, which is rarely used where Negroes are concerned. It is significant that almost the entire Eastern bloc of Congressmen is opposed to the impeachment proceedings.

The unreconstructed South, however, can scarcely be blamed for its alarm over Judge Lowell's allowance of a writ of habeas corpus. If his decision stands, the whole Southern system of jim-crowism and color discrimination in every direction will be undermined. Any Negro accused of a crime who escapes from the ex-Confederacy will be safe from extradition under Judge Lowell's ruling until such time as the South stops excluding Negroes from jury service just because they are Negroes.

The latest N. A. A. C. P. victory is a vindication of its methods. Without undue and unnecessary ballyhoo, without threatening Southern officials with a deluge of denunciatory telegrams and letters, without injecting the extraneous issue of the class struggle, without sponsoring wild demonstrations in Irkutsk, Hamburg, Manchester, Paris, Geneva and Madrid, in front of United States legations and consulates, it has achieved the desired goal. After all, a defense organization is to be judged by the adequacy of its defense. If it frees Negroes from the clutches of the Negrophobic Southern officials, if it establishes the progressive legal precedents upon which favorable decisions are based, if it wins victories without jeopardizing the lives and jobs of Negroes, then its tactics are sound.

Those who have so freely, unjustly and maliciously criticized the N. A. A. C. P. have seemingly forgotten that it has suffered very few defeats, while the I. L. D. so far has a perfect score of defeats. If it be true, as some of the Communists maintain, that the N. A. A. C. P. methods are "too gentlemanly," Negroes will not care so long as it is victorious.

U. S. Circuit Court Of Appeals To Hold Special Session To Hear Appeal Of George Crawford Case

BOSTON, Mass.—The United States Circuit Court of Appeals will sit in special session on Tuesday, May 23, to hear the protest of the Commonwealth of Massachusetts against the decision of Federal Judge James A. Lowell in freeing George Crawford, Negro, on a writ of habeas corpus, despite the fact that he was accused of the murder of Mrs. Agnes Boeing Ilsley, wealthy white woman at Middleburg, Va., in January, 1932.

Massachusetts has protested Judge Lowell's action on the ground that if Crawford was convicted in Middleburg, Va., the United States Supreme Court would rule a mistrial because Negroes do not serve on juries in Virginia.

The move for the special session of the Circuit Court was made by Attorney J. Weston Allen, chief of the defense counsel, with the approval of Assistant Attorney General Stephen D. Bacigalupo who is in charge of the State's extradition proceedings.

Attorney William G. Thompson, widely known criminal lawyer, who at one time served as chief counsel in the famous Sacco-Vanzetti case appeared at the Federal Building and obtained all the records in the Crawford case. Referring to the impeaching of the jurist by Representative Smith, Democrat of Virginia, in Congress, Attorney Thompson said:

"Judge Lowell has been outrageously and wrongfully attacked in Congress. I am getting all the facts in the Crawford case and I am going to study them and, if the judge is right, I am going to present the evidence to the council of the bar association."

CONGRESSIONAL ACTION

WASHINGTON, (CNS)—As soon as the decision in the Crawford case became known on Capitol Hill, demands were made by Southern Representatives that Federal Judge James A. Lowell, of Boston, be punished by abolition of his office or by impeachment for his action on freeing George Crawford wanted at Middleburg, Va., on murder charges.

On Wednesday April 26 th House by a vote of 209 to 150 ordered an inquiry to determine whether Lowell should be removed from office. Action came after a hour of debate in which Smith of Virginia arose to a question of constitutional privilege and presented seven articles of impeachment.

Judge Lowell was defended by Representative Robert Luce, Republican, of Massachusetts who said the jurist was his constituent and "peronal friend" and that he was held in the "highest regard by those who know him."

"These suggestions of misfeasance are absurd," Luce said. "Men who know him will testify that they are preposterous. There is no ground for impeachment in these charges

Killings-1933

Virginia

The Move to Impeach Judge Lowell

"IT GOES AGAINST MY Yankee common sense to have a case go to trial and then be thrown out."

Thus Federal Judge James A. Lowell of Boston explains his action in blocking the extradition of George Crawford, a Negro arrested in Massachusetts and charged with a double murder committed two years ago in Middleburg, Virginia.

"I have no doubt the defendant would get a fair trial in Virginia," admits Judge Lowell; but he goes on to say that the Supreme Court would declare the trial illegal because, in practise, if not by law, Negroes do not serve on the jury when a Negro is tried in a Southern court.

As a result Judge Lowell is accused in Congress of "violating his oath to support the Constitution," and of "deliberately and wilfully seeking to defeat the ends of justice," and the House votes 209 to 150 ordering the Judiciary Committee to investigate the necessity of instituting impeachment proceedings against him.

Meanwhile, as the New York *Nation* points out, his action has "dramatized the important issue raised in the Scottsboro case—the exclusion of Negroes from Southern juries trying Negroes in criminal cases." The Judge's aim, a Boston dispatch explains, is to short-cut the route of this case to the Supreme Court.

Acme

His "Yankee Common Sense"

Stirred up a move to impeach him. Judge James A. Lowell.

WHILE Representative Martin Dies of Texas denounced the action of Judge Lowell as "contrary to the laws of the United States and every sense of decency and justice," and Representative Howard W. Smith of Virginia used vigorous language in asking for his impeachment, the Virginia press maintains a temperate tone in its criticism of a judicial stand which it agrees is "amazing."

"In this ruling," declares the Richmond *Times-Dispatch*, "the Massachusetts judge is guilty of a serious invasion of States' rights." Another Richmond paper, *The News-Leader*, suggests that the South should try the experiment of calling Negroes more frequently for jury service. "Negroes have served on Virginia juries, and no law bars them," says the Norfolk *Virginian-Pilot*, which asks what right Judge Lowell has to assume that the prisoner would be found guilty and that the Supreme Court would nullify the conviction.

TURNING to the Northern press, we find the Boston *Post* declaring that whether Judge Lowell is overruled by the higher courts or not, "his object has been attained":

"He has called attention to the manifest unfairness of the Southern courts in restricting jury service to white men in so dramatic and forceful a manner that the whole country is now well informed about it.

"It is no longer a case with merely a single defendant. A great principle is involved. It is up to the South to answer at the bar of public opinion. Judge Lowell is not on trial but the cause of justice in the South is decidedly on the defensive."

But in New York the Buffalo *Courier-Express* warns us that "too severe pressure on the Southern jury question might give impetus to the worst bootlegging of all—the bootlegging of justice by Judge Lynch and his followers." And in the New York *Evening Post* we read:

"If the Supreme Court is going to set free every Negro tried in the South for murder, it will simply put a premium on murder. It will automatically destroy the existing system of courts and justice in the Negro States. It will either allow horrible murders to go unpunished, or it will stir to new life the deadly sin of lynching."

Judge Lowell's Great Decision

JUDGE JAMES A. LOWELL of the Federal District Court of Massachusetts has rendered a decision of far-reaching import. It has precipitated impeachment proceedings and become a nation-wide issue. On resolution of Representative Howard W. Smith of Virginia, the House, 209 to 150, voted an investigation by its judiciary committee of the judge's granting a writ of habeas corpus to George Crawford, colored, under indictment in Virginia for the murder of Mrs. Agnes Boeing Ilsley. Whatever may be the legal technicalities of the case, Judge Lowell has, in effect, challenged the jury system as it applies to the trial of Negroes in the South, and the implicit sixty years' violation of the Constitution of the United States. The first clause of the Fourteenth Amendment declares that no State shall "deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." It is possible that the case of George Crawford may become historically no less momentous than that of Dred Scott.

The general basis for Judge Lowell's decision refusing the extradition sought by Virginia, and already granted by Governor Joseph B. Ely, lies in the refusal of the State of Virginia to permit well-qualified Negro jurors to sit on juries. In Crawford's case that issue had been raised and not disputed. It had been agreed between counsel for the State and the defense that Judge Alexander, circuit judge of the Twenty-sixth Judicial Circuit of Virginia, which includes Loudoun County where the crime was committed, Edward O. Russell, clerk of the Circuit Court, and Eugene S. Adrian, sheriff of the county, would testify that none of them had ever known "of any Negro to be called for jury duty or to serve on any jury in Loudoun County." To this, Judge Alexander added that he knew there were Negroes in Loudoun County who met the common law and statutory requirements of grand jurors, and had no doubt there were Negroes in the county who further measured up to the standards

Killings-1933

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Literary Digest

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Nation 5-24-33

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Vol. 115, no. 18

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Having first ruled that the foregoing facts were admissible as evidence, Judge Lowell, applying decision in Neal *vs.* Delaware, granted the writ. In that case, the question was raised whether the exclusion of qualified jurors of colored blood possessing all the qualifications and laws of the United States was not a violation of the Constitution of the United States. Based only on the prisoner's uncontradicted affidavit, Mr. Justice Stone answered the question affirmatively, saying in part: "The fact . . . that no colored citizen had ever been summoned as a juror in the courts of the State . . . presents a prima facie case of denial . . . of that equality of protection which has been secured by the Constitution . . ."

In the case of Neal, there had been no room for presumption. Judge Lowell was therefore confronted with two questions: first, whether he

should ignore the agreed facts as he was urged to do by the Massachusetts Assistant Attorney-General, who alleged that certain decisions of the Supreme Court rendered such facts irrelevant; and, second, if he did admit the facts, whether they would require him to grant the writ. To be sure, certain recent decisions of the Supreme Court (Drew *vs.* Thaw, Biddinger *vs.* Commissioner of Police, and Hogan *vs.* O'Neill) seemed to indicate that a federal judge on habeas corpus and extradition cases is narrowly limited in the facts which he has a right to consider. Nevertheless, it has not been decided by the Supreme Court that facts showing that an indictment was void because found by a grand jury impaneled in violation of the Constitution of the United States may not be considered on habeas corpus in extradition proceedings. And it would seem arguable that such a decision could scarcely be made, for the warrant of extradition depended upon the existence of an indictment constitutionally sound, however imperfectly expressed. Without that, Governor Ely's warrant of extradition would seem to be void.

It is true that the decision *In re* Wood (140 U. S. 278) seems opposed to this view. That was a case where habeas corpus was sought, after a conviction in the State court, on the ground that the grand jury that found the indictment was improperly impaneled. It was thus sought to make the writ of habeas corpus serve the purposes of a writ of error; and it was held that that could not be done. But the opinion in that case preserves the discretion of the federal court on habeas corpus referred to in *Ex parte* Royall (117 U. S. 241), where the writ is brought before trial.

It has been necessary to refer to these decisions to show that Judge Lowell was confronted with a novel and difficult question of law, requiring careful analysis of a considerable number of decisions of the Supreme Court not entirely easy to reconcile. He decided to consider the agreed facts. That presented the second question, and brought the case of Neal *vs.* Delaware into operation. Judge Lowell decided that that decision required him to hold that the indictment was void. The result was that the writ had to be granted and the prisoner discharged.

The decision has already had one extra-legal effect. The discrimination suffered by the Southern Negro, not merely socially and economically but before the law, has been more widely publicized than in any other single episode in a generation. It comes with dramatic coincidence in the immediate wake of the Scottsboro case. And there is evidence, despite the unseemly vituperation on both sides in the House debate, that the soberer and more enlightened opinion in the South may not prove unresponsive to the challenge. In the New York *Times*, Virginius Dabney, a distinguished younger son of the Old Dominion and the author of the recent volume "Liberalism in the South," wrote that the Lowell decision had "brought many Virginians and other Southerners to a realization that something probably will have to be done about the Southern jury system. The attitude of many thoughtful Southerners . . . is that it would be wise for Southern courts to begin calling Negro jurors from time to time." It would be the part not only of wisdom, but of elementary justice and a belated effort toward vindicating the immortal Declaration written by the greatest of all Virginians.

THE SOUTH'S JURY SYSTEM

The jury system of the South is before the American people for judgment. When Judge James A. Lowell of Boston refused to send a Negro back to Virginia, there to be tried for murder, and gave Virginia's faulty jury system as his reason for refusal the question moved to the fore and there it will remain. It will be debated until something is done, if only representatives in Congress carry out their threats and try to impeach this just judge.

No white man would call it justice to be tried by a packed jury. Every white man in Virginia and the rest of the states where Negroes are barred from juries, knows that all-white juries return verdicts that "keep Negroes in their place." Since no law can be put on the statute books which opely precsribes a different treatment because of race or color, the jury is used to reach that end. That it has served that purpose is a matter of common knowledge. It took this Massachusetts judge to act on what everybody knew to be the facts.

By all means let these congressmen bring their impeachment charges. The American people ought to know how southern juries have abandoned even the semblance of fair judgment. Not only have they convicted the innocent, but as here in Missouri at Clinton, they have done that injustice at the price of letting the guilty go free, to be a menace to the future peace of the community. What a price to pay for race hatred!

MONTGOMERY, ALA.
ADVERTISER

APR 27 1933

HIS [illegible], THE JUDGE

Congress ultimately has no jurisdiction over royalty. There is nothing in the Constitution which gives that representative body of the common folks the power to dictate to the wearers of the purple.

And obviously, Judge (James I.) Lowell, of the Great State of Massachusetts, by virtue of his crown does not come under the rules of democratic government which regulate the actions of mere American subjects.

Judge Lowell, be it known, is the gentleman who looked over into the State of Virginia from his high-and-mighty Federal bench and ruled that its courts were unworthy of trying a man for the murder of two women.

George Crawford is a 34-year-old Negro, charged with the murder of a wealthy Virginia woman and her maid.

The man was captured in Massachusetts, identified as a fugitive from justice in Virginia. The Governor of the Southern State requested extradition rights and Gov. Ely, of Massachusetts, granted them.

The Negro's attorneys filed habeas corpus proceedings in a Boston court before Judge Lowell, a perfectly legal step and within the prisoner's guaranteed Constitutional rights.

Now it was up to the Judge to pass on the evidence offered by the Southern State and to determine if the State possessed enough evidence to warrant his return for trial.

But the Great Man on the Federal bench was not so deeply concerned with hearing evidence for and against the Negro as he was in passing judgment on the Virginia courts.

His Majesty, James I., decided that Negroes were not allowed on Virginia jury panels. (He probably heard that somewhere.) And because his Royal Judgeship does not like the manner in which he thinks Virginia operates its courts, he turned the Negro scot free, so far as he was concerned.

Now several Congressmen want to impeach Judge Lowell because they think he stepped perhaps just a bit beyond his duly constituted authority.

They think that his statement: "Why send this Negro back to Virginia where I know and everyone knows that the Supreme Court will say the trial is illegal?" is stretching his authority too far. And after all, there are not many individuals in this democratic country endowed with the power to indict a State and forecast the verdict of the Supreme Court all in the same breath.

Killings - 1933

West Virginia

WEST VIRGINIA SENDS NEGRO SHERIFF FOR CRIMINAL WANTED FOR COLD-BLOODED MURDER IN KEYSTONE

On Wednsday, November 2, Sheriff John Hairston, Negro, who has been a sheriff in the County of McDowell, West Virginia for the past 18 years, left Boston with the custody of one Robert Smith, 40, who is wanted in the city of Keystone for the murder of Pete Annspaugh, April 15, '28.

Robert Smith has been living in Boston for the past few years, first at Burke street and 53 Camden street. A short time ago he was arrested for drunkenness and sent to the State Farm whence he was brot to face the extradition charges.

Smith waived any attempt in his behalf to prevent extradition to West Virginia, maintaining his guiltlessness and expressing the belief that he had nothing to fear in a trial there.

The actual st ory of the murder is that the City of Keystone was making an effort in 1928 to clean up a certain law breaking element. At that particular time there was a youngster by the name of Pete Aunspaugh, twenty years of age, who was pasing through his probation period in an atempt to become a police officer. Smith was wanted for some infraction of the law and was located by the young officer while in company with a regular officer. Sighting the man, he sounded the call and began the chase. It is alleged that Smith wheeled about, whipped out a gun and shot the pursuer, who died shortly afterwards. Smith escaped and the state of West Virginia has been seeking his whereabouts for the past five years.

EDITOR'S NOTE:

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Virginia

Killings-1932

Rebuked From the Bench

If James A. Lowell, United States district judge of Massachusetts, is not impeached for high crimes and misdemeanors because of his recent conduct on the bench, then judgment has, indeed, fled to brutish beasts.

The general public probably has felt very much like this for some time, and the feeling is confirmed by the stinging rebuke to the Bay State jurist pronounced from the bench of the Supreme Court of the United States by Chief Justice Hughes, in reviewing the second of two cases for which Judge Lowell has been criticized.

Some time ago Judge Lowell used language in his charge to the jury in the trial of one Angelo Quercia, which undoubtedly contributed to the conviction of the prisoner, and brought about the protest.

In the course of that trial the weird judge said:

> You may have noticed. Mr. Foreman and gentlemen, that he wiped his hands during his testimony. It is rather a curious thing, but that is almost always an indication of lying. Why it should be so we don't know, but that is the fact. I think that every single word that man said, except when he agreed with the government's testimony, was a lie.

Any judge who would make such a charge to a jury must be crazy, but there is no room on the bench for crazy judges.

At all events, Chief Justice Hughes commented as follows:

> This privilege of the judge to comment on the fact has its inherent limitations. . . . In commenting upon testimony he may not assume the role of a witness. He may analyze and dissect the evidence, but he may not either distort it or add to it.
>
> . . . In the instant case, the trial judge did not analyze the evidence; he added to it, and he based his instruction upon his own addition. . . . He did not review the evidence to assist the jury in reaching the truth, but in sweeping denunciation repudiated as a lie all that the accused had said in his own behalf which conflicted with the statements of the government witnesses. This was error and we cannot doubt that it was highly prejudicial.

Such a rebuke from the chief justice of the court of last resort is almost without precedent, and the background will help us to understand just how intolerable was the action of Judge Lowell in the case of George Crawford, a confessed Negro murderer, who had fled to Massachusetts and was there captured.

The governor of Virginia sought Crawford's extradiction to the courts of Virginia, there to be tried for his crimes.

The Negro sought a writ of habeas corpus, and Judge Lowell granted it.

In his speech in the house of representatives, asking that Judge Lowell be impeached, Representative Smith, of Virginia, after reviewing the facts in the case, and after reading other grounds on which he sought impeachment, quoted the language of Judge Lowell as follows:

> I say this whole thing is absolutely wrong. It goes against my Yankee common sense to have a case go on trial for 2 or 3 years and then have the whole thing thrown out by the Supreme Court.
>
> They say justice is blind. Justice should not be as blind as a bat. In this case it would be if a writ of habeas corpus were denied.
>
> Why should I send a Negro back from Boston to Virginia, when I know and everybody knows that the Supreme Court will say that the trial is illegal? The only persons who would get any good out of it would be the lawyers.
>
> Governor Ely in signing the extradition papers was bound only by the question of whether the indictment from Virginia is in order. But why shouldn't I, sitting here in this court, have a different constitutional outlook from the governor who sits on the case merely to see if the indictment satisfies the law in Virginia?
>
> I keep on good terms with Chief Justice Rugg, of the Massachusetts Supreme Court, but I don't have to keep on good terms with the chief justice of Virginia, because I don't have to see him.
>
> I'd rather be wrong on my law than give my sanction to legal nonsense.

Commenting on this language, and the proceedings in general, Representative Smith said:

> The United States Supreme Court has continuously held that matters of this character cannot be raised in a habeas corpus proceeding, but the fugitive must be returned to the court which found the indictment, in which court the question of sufficiency of the indictment may be raised, and if conviction is had, the fugitive has his right in the appellate courts.
>
> Judge Lowell granted the habeas corpus and gave as his reason therefor that he was certain that United States Supreme Court would not uphold the verdict of conviction should Crawford be returned to Virginia and convicted, because it is not customary in that state to have Negroes on juries.
>
> This judge deliberately ignored or was ignorant of the law to such a violent extent that his continued service on the bench is a menace to the peace and good order of the nation.
>
> I do not contend that a judge may be impeached on any honest difference of opinion as to the law or for an erroneous decision of a case where he acts in good faith, but I do aver and proclaim that a judge is impeachable who is either (1) so ignorant of the law as to amount to flagrant incompetency; or (2) who knowing the law deliberately, wilfully, and knowingly, in direct contravention of the Constitution and well-established precedent and authorities of the courts of last resort releases on the world a self confessed murderer of the most vicious type.

The Telegraph is known far and wide as the friend and champion of the cause of the Negro whenever he is oppressed or wrongfully treated in any way.

But the fact is that no race question in really involved in this case. As Representative Smith remarked, the courts have frequently held that issues such as Judge Lowell raised could not properly be raised in a habeas corpus proceeding.

The whole thing centers about the fact that a judge of the United States court, incidentally slandering the South, has violated the letter and the spirit of the law to vent his spite and spleen.

His action in making absurd comments on the trial of the Italian Angelo Quercia, for "rubbing his hands," and implying that such was the action of a man who was lying, proves that he is unfit to occupy the bench.

The severe rebuke administered by the Chief Justice of the Supreme Court will long be remembered, but in the interest of the integrity and respectability of the bench, this Judge Lowell—one of the Lowells "who speak only to Cabots, while Cabots speak only to God"—should be impeached.

NORFOLK, VA.
LEDGER DISPATCH

MAY 31 1933

Safeguarding Criminals

That remarkable decision handed down by Federal Judge James A. Lowell, of Boston, in the extradition case of the man Crawford, charged with having murdered two women in Virginia, is but another manifestation of the trend of criminal jurisprudence in this liberty-loving country of ours—the trend which, this newspaper has insisted for years, is to pervert the administration of criminal law from a system designed to protect society from the criminal into a system operated to protect the criminal from society.

It happens that the accused man in this particular instance is a Negro; but it has happened in countless other cases that the accused have not been Negroes. The same special and peculiar tenderness has been displayed toward them, the accused, to the almost complete neglect of society in general and the families of the murdered in particular.

Whatever the Federal Circuit Court of Appeals may hold on the appeal to it by the State of Massachusetts from Judge Lowell's order granting a writ of habeas corpus in Crawford's case, the fact will remain that Judge Lowell went far beyond and behind the record in order to find a ground on which to base an order which, if not successfully appealed, will prevent even the trial of a man accused of a double murder in especially atrocious circumstances.

Acting in a different capacity, of course, the Governor of New Jersey followed a similar course in the case of the Fugitive From a Chain Gang—Burns or Byrnes or whatever his name is. The Governor of New Jersey did not question the validity of the charge against the man whose case was before him, nor did he question the form of the extradition papers, including the request of the Governor of Georgia. He refused to grant extradition of the man because he had been led to believe that the fugitive would be badly treated if he were returned to the custody of Georgia officials.

In both cases, authority—in the form of a judge and in the form of the Governor of a state—set itself between criminal justice and a man accused of crime. What offense had been committed in the one case against the State of Georgia seemed not to concern the Governor of New Jersey; what offense had been committed in the other case against the State of Virginia—not to speak of humanity itself—seemed not to concern the Federal judge in Boston. In both cases, authority considered first the convicted man or the accused man and only afterwards, if at all, the right and duty of organized society to protect the innocent and the law-abiding.

It is this trend in the administration of the criminal law which, most of all, is responsible for the fact that the United States is the most lawless of all so-called civilized countries. It is this trend in the administration of the criminal law which, in considerable measure, is responsible for the lynchings that shame other sections as well as the South.

EDITOR'S NOTE:

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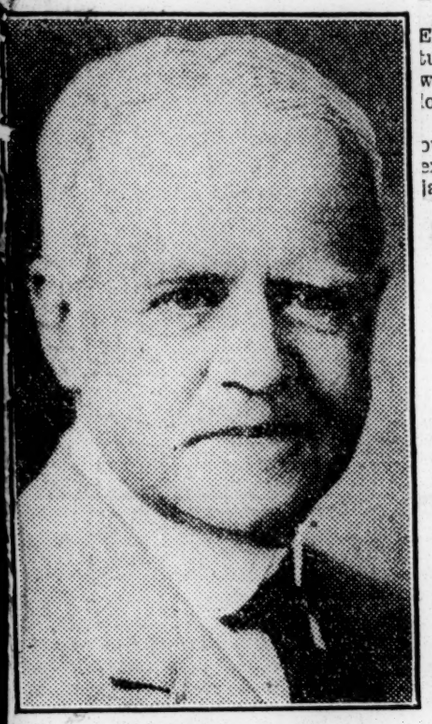
Lowell's Ruling In Virginia Case Meets Reversal



JUDGE JAMES A. LOWELL

J. S. Court Of Appeals Orders Virginia Negro Extradited

BOSTON, June 16.— (AP) —Federal Judge James A. Lowell's decision granting a writ of habeas corpus to a negro wanted in Virginia for murder which resulted in the jurist's impeachment in Congress, today was reversed by the U. S. Circuit Court of Appeals. The impeachment proceedings now are in committee.

The writ freeing George Crawford, sought for the slaying of two women in Middleburg, Va., in 1932, was issued by Judge Lowell after evidence had been offered that negroes were not called for jury service in Virginia.

Judge Lowell contended that failure to call the negroes for jury service would serve to nullify a conviction of Crawford should the case go before the Supreme Court.

The Circuit Court decision did not discuss the legality of exclusion of negroes from jury service in Virginia but did say any question brought up because of such a situation was for consideration by the courts of Virginia rather than the Federal courts in habeas corpus proceedings.

J. Weston Allen, counsel for Crawford and a former attorney general of Massachusetts, said he would take the case to the U. S. Supreme Court. Allen contended the Federal courts had the right to enter the case before it was concluded as well as they did to review it afterwards.

Crawford allegedly participated in the slaying of Mrs. Agnes Boeing Ilsley, wealthy sportswoman, and her maid, Nina Buckner. After his arrest here on a burglary charge and his identification as a Virginia fugitive, Gov. Joseph B. Ely ordered him extradited.

Allen sought the writ to defeat Gov. Ely's order and said Crawford's constitutional rights would be violated if he were tried in a State which did not allow negroes to serve on juries.

The Circuit Court ordered him turned over to State police for execution of the extradition order. He has been held in jail here.

PETERSBURG, VA.
PROGRESS-INDEX

JUN 3 1933

Too Much Horning In

We feel called upon to condemn the activities of the National Association for the Advancement of Colored People in injecting itself into the case of Clarence Crawford, Negro, accused of murder in Virginia, who was ordered released by Federal Judge James A. Lowell, Massachusetts on a writ of habeas corpus.

The evidence is strong that Crawford killed Mrs. Agnes G. Ilsley and her maid, Nina Buckner of Middleburg, Va., in 1932, and escaped to Massachusetts where he was arrested for burglary.

As soon as he was identified as a fugitive, request for his extradition to Virginia was made to Governor Ely of Massachusetts by the governor of Virginia. As soon as Governor Ely was satisfied that the requisition was in due form, he ordered the extradition of Crawford, but the attorney for the prisoner sought his release on a writ of habeas corpus.

The release was granted by Judge Lowell, whose eccentricities on the bench are a matter of common knowledge. In the Crawford case he held that it would be a waste of time to send the prisoner back to Virginia for trial for the reason that it was not compulsory under the Virginia law for Negroes to be included on a jury, and therefore the higher courts would immediately release the defendant on the ground that his constitutional rights had been invaded.

In the first place, the higher courts have frequently held that it is no invasion of a defendant's constitutional rights because representatives of his own race are not members of a panel.

In the second place, it is equally clear that any such plea as that presented to Judge Lowell should be presented at the trial and not at a hearing on a writ of habeas corpus.

The United States circuit court of appeals, which has just handed down its decision, held just exactly that. It did not go into the legality of the exclusion of Negroes from a trial jury, but declared, as we have indicated that such an issue would have to be raised in the courts of Virginia.

In the meantime, it will be remembered that impeachment proceedings against the Massachusetts judge are now pending.

At this stage the National Association for the Advancement of Colored People has intervened and announces that it will appeal the case of Crawford to the Supreme Court of the United States.

There has not been the slightest suggestion at any stage of the proceedings that there was any fear of violence to the Negro if he were extradited to Virginia and placed on trial. There is not the slightest reason to believe that he would not receive a fair trial in the courts of Virginia. No point of constitutional law has been raised which is not well settled.

The only effective result is to shield a man who has been charged with a brutal murder, and to turn him loose on society, so far as that crime is concerned, on a technicality.

The National Association for the Advancement of Colored People is right to intervene, if it seems necessary to prevent injustice, but even in such cases local lawyers should be given charge of the case. The Scottsboro case with a New York lawyer, is a conspicuous example of what we mean. In the Crawford case there is no such danger and the net result could only be to discredit the association.

NEW YORK TIMES

JUL 18 1933

STAYS EXTRADITION OF NEGRO TO VIRGINIA

Judge Bingham in Boston Allows Time to Present Crawford Case to Supreme Court.

BOSTON, July 17 (AP).—Extradition to Virginia of George Crawford, Negro charged with murder, was stayed today by Judge George H. Bingham of the United States Circuit Court of Appeals pending the taking of an appeal to the United States Supreme Court by Crawford's counsel.

Crawford, who was arrested last January charged with breaking and entering, was later identified as a fugitive from Virginia, where he was wanted on a charge of murdering Mrs. Agnes Ilsley, sports woman, and her maid, Nina Buckner in January, 1931.

Governor Ely agreed to grant extradition but Judge James M. Lowell of the United States District Court, upon petition of J. Weston Allen, counsel for Crawford, granted a writ of habeas corpus on the ground that Negroes were barred from jury service in Virginia.

Later the Circuit Court of Appeals reversed Judge Lowell's decision and Crawford's counsel petitioned for a stay in order to bring the issue before the United States Supreme Court.

CRAWFORD'S APPEAL TO SUPREME COURT

BOSTON, July 17.—(AP)—George Crawford, Negro [illegible] Virginia slaying of two white women, must remain in Massachusetts pending the taking of an appeal to the United States supreme court by Crawford's counsel, United George H. Bingham of the United States circuit court of appeals ruled today.

Judge Bingham ruled that Crawford may not be given over to the Virginia authorities until after the supreme court has ruled on the case.

A Rebuke To Judge Lowell

Jacksonville, Fla., Times-Union, May 1933

THE SUPREME COURT OF THE UNITED STATES, in reversing a decision rendered by Judge James A. Lowell, of a Massachusetts District Court, struck a blow at the latter's argument supporting his refusal to surrender to the Virginia authorities the Negro Crawford, wanted for the murder of two women in Loudoun county. Judge Lowell refused to approve the rendition warrant on the ground that no Negro would serve on the jury which would hear Crawford's case and that in consequence the Supreme Court of the United States would reverse the verdict of conviction.

If Judge Lowell knows in advance the nature of the opinion which the Supreme Court of the United States will hand down in any particular case, he should have known that the court would reverse his decision in the latest of his cases to be reviewed by that tribunal. In this latter case, Judge Lowell told the jury that it should disregard the testimony of the defendant who in the opinion of the court, lied throughout, a conclusion reached, said the judge, because of the fact that constantly while testifying the accused rubbed his hands, as if washing them with invisible soap, to employ the simile used by Dickens in describing a habit attributed to Uriah Heep. Chief Justice Hughes, who wrote the opinion in the case, excoriates the Massachusetts judge, saying that he did not analyze the evidence, but added to it and based his instructions upon his addition. "He did not review the evidence to assist "the jury in reaching the truth," says the opinion, "but in a "sweeping denunciation repudiated as a lie all that the accused had said in his own behalf which conflicted with the state-"ments of the government witnesses. This was error and we "cannot doubt that it was highly prejudicial."

The Supreme Court of the United States probably would hold that Judge Lowell was not justified in anticipating its decision as he did in the Crawford case.